



**Asamblea General
Consejo de Seguridad**

Distr.
GENERAL

A/42/734

S/19262

12 de noviembre de 1987

ESPAÑOL

ORIGINAL: INGLÉS

ASAMBLEA GENERAL

Cuadragésimo segundo período de sesiones

Temas 12 y 46 del programa

INFORME DEL CONSEJO ECONOMICO Y SOCIAL

CUESTION DE CHIPRE

CONSEJO DE SEGURIDAD

Cuadragésimo segundo año

Carta de fecha 10 de noviembre de 1987 dirigida al Secretario General
por el Representante Permanente de Chipre ante las Naciones Unidas

El 14 de octubre de 1987 solicité que se hiciera distribuir la resolución 1987/19 titulada "Las violaciones de derechos humanos en Chipre", aprobada por la Subcomisión de Prevención de Discriminaciones y Protección a las Minorías (A/42/661, anexo). La razón que instó a mi Gobierno a solicitar su distribución es que consideramos que dicha resolución marca un hito en la esfera de los derechos humanos, y que ese órgano de derechos humanos y sus expertos nos merecen gran estima.

Desde su creación en 1947, la Subcomisión de Prevención de Discriminaciones y Protección a las Minorías, órgano integrado por expertos independientes, ha contribuido notablemente a los esfuerzos internacionales para combatir las violaciones de los derechos humanos. En virtud de su resolución 1987/19, los miembros de la Subcomisión, todos ellos expertos distinguidos y sumamente respetados procedentes de una amplia gama de países, se pronunciaron sobre el hecho de que Turquía siguiera cometiendo violaciones flagrantes y sistemáticas de los derechos humanos en Chipre. Los intentos de Turquía de difamar a los miembros de un órgano tan importante de las Naciones Unidas se desmoronan y simplemente reflejan el aislamiento de ese país en la comunidad mundial en lo relativo a las normas establecidas para el respeto y la aplicación de los derechos humanos.

Si bien la resolución aprobada por la Subcomisión habla por sí misma, me propongo exponer algunas de sus disposiciones más destacadas y, al mismo tiempo, responder a las declaraciones falaces que figuran en las cartas de 23 y 26 de octubre de 1987 que hizo distribuir el Representante Permanente de Turquía ante las Naciones Unidas, Embajador Türkmen (A/42/685 y A/42/690, de fechas 26 y 28 de octubre, respectivamente). La posición de mi Gobierno sobre la distribución de

esas cartas por Turquía se ha expresado repetidas veces, la más reciente el 5 de noviembre de 1987, y no es necesario que las repita en la presente (véase A/42/713-S/19250). Sólo deseo señalar que se trata de una clara violación de las resoluciones 541 (1983) y 550 (1984) del Consejo de Seguridad.

Los expertos independientes de la Subcomisión expresaron su grave preocupación porque se siguen cometiendo violaciones flagrantes y sistemáticas de los derechos humanos en Chipre. Recientemente los miembros de la Comisión de Derechos Humanos también expresaron la misma preocupación cuando aprobaron el 11 de marzo de 1987, otra resolución histórica, la resolución 1987/50 de la Comisión.

La inquietud de la comunidad internacional por las violaciones flagrantes y sistemáticas de los derechos humanos en Chipre dimana de la continua ocupación de cerca del 40% del territorio de la República de Chipre por las fuerzas armadas de Turquía que, a pesar de las resoluciones de las Naciones Unidas que exigen su retirada incondicional, recientemente han aumentado cuantitativamente y mejorado cualitativamente sus armamentos en forma sustancial, como confirma el Secretario General de las Naciones Unidas en sus informes al Consejo de Seguridad (véanse S/18491 y S/18880, de fechas 2 de diciembre de 1986 y 29 de mayo de 1987, respectivamente). Asimismo, el ejército de ocupación turco, a despecho de los repetidos llamamientos de la comunidad internacional, se niega a permitir el regreso a sus hogares y a sus tierras de 200.000 refugiados que fueron expulsados por la fuerza durante la invasión y ocupación turcas de 1974. Lo que es más, Turquía ha llegado a instalar gradualmente a más de 65.000 colonos de Turquía, entre los que distribuyó generosamente los hogares y las tierras de los grecochipriotas expulsados. Mediante estas políticas anacrónicas, Ankara se propone alterar la estructura demográfica del país. Finalmente, el problema humanitario de las personas desaparecidas aún sigue sin resolverse y la angustia y el sufrimiento de los familiares de esas personas continúa todavía.

La actual agresión y ocupación turcas en el territorio de la República de Chipre plantea una grave amenaza a la paz y la seguridad internacionales y constituye la esencia del problema de Chipre y el principal obstáculo que impide encontrar una solución pacífica. La presencia de las fuerzas de ocupación de Turquía en el suelo de Chipre persiste, en manifiesta violación de un sinnúmero de resoluciones de la Asamblea General y del Consejo de Seguridad sobre Chipre y en contravención de las disposiciones de la Carta de las Naciones Unidas, la Declaración Universal de Derechos Humanos, los Pactos Internacionales de Derechos Humanos y demás instrumentos importantes en la materia. La retirada de las fuerzas de ocupación turcas del territorio de la República de Chipre constituye la base esencial para lograr una solución pronta y mutuamente aceptable del problema de Chipre. Por consiguiente, los expertos de la Subcomisión consideraron con mucha razón que dicha retirada contribuiría al restablecimiento de los derechos humanos y las libertades fundamentales de todos los chipriotas.

Otro tema que trataron los expertos de la Subcomisión es la incesante corriente masiva de colonos de Turquía hacia las zonas ocupadas de la República de Chipre, con el propósito evidente de cambiar el carácter demográfico secular del país. La continua ocupación de Chipre y su colonización por colonos turcos revelan claramente las intenciones turcas de llegar a controlar y en definitiva anexionar,

parcial o totalmente la isla al territorio de Turquía. La importación masiva de colonos en la parte ocupada de Chipre ha causado gran sufrimiento y resentimiento a los turcochipriotas, que caracterizaron la situación de infernol.

En un artículo titulado "Qué vergüenza", publicado en Halkin Sesi el 24 de mayo de 1978, el Dr. Kutchuk, ex Vicepresidente de Chipre, al escribir respecto del secuestro de una joven turcochipriota perpetrado por colonos, dijo lo siguiente:

"... Hemos esperado años y hemos pedido a las autoridades que hicieran algo sobre esta cuestión [de los colonos]. Nadie nos ha escuchado y en consecuencia, esta isla paradisíaca se ha convertido en un infierno."

Desde febrero de 1975 se ha registrado una corriente sostenida de colonos turcos del continente hacia las zonas ocupadas de la República de Chipre. Si bien no se conoce el número exacto de colonos, actualmente se estima que, debido a entradas recientes, el número total de turcos del continente que se han establecido en las zonas ocupadas ha alcanzado a 65.000.

A pesar de las persistentes "negativas" de la parte turca, los informes pertinentes de la prensa turca y extranjera revelan lo suficiente respecto de la política de colonización de Ankara. Así pues, aun en diciembre de 1978, Mithat Perin, en una serie de cuatro artículos publicados en el periódico turco Tercuman, escribió con cierta ironía: "Luego están los de Turquía, que insistían en declarar su origen en todas las reuniones. Han ido a Chipre como inmigrantes de la madre patria. Según los rumores, alcanzan a unos 60.000. Esperan elegir diputados en las primeras elecciones próximas. Ellos también se están preparando para formar un partido". El 27 de agosto de 1979, otro periódico turco, Aydinlik, decía: "En este momento el número de colonos excede los 50.000. La política de colonización aún continúa y todos los días se establecen en Chipre nuevos colonos turcos del continente. Es evidente que semejante número de colonos allanará el camino para que se produzcan cambios importantes en la estructura demográfica de Chipre".

Los informes anteriores hablan por sí mismos y sirven de respuesta para acallar las declaraciones turcas de que la cuestión de los colonos "es producto de la imaginación y las exageraciones grecochipriotas".

Así pues, los propios turcochipriotas refutan la descripción variable de los colonos turcos que los agresores definen como "trabajadores estacionales" o "turcochipriotas repatriados". El líder turcochipriota del Partido Republicano Turco, Sr. Ozker Ozgur, en respuesta al Sr. Recep Gurler, pseudo ministro de la entidad ilegal que trató de presentar a los turcos del continente como turcochipriotas repatriados, dijo lo siguiente:

"Excelentísimo Sr. Gurler, ¿cree usted que venimos de la Luna? se han ido ... ahora han vuelto, etc. ... ¿Tratará usted de engañarnos también diciéndonos las cosas que le dice a los extranjeros? Tenga un poco de seriedad, Sr. Gurler." (publicado en Halkin Sesi el 30 de noviembre de 1979)

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En un artículo muy reciente publicado en el suplemento de Gunaidin de las zonas ocupadas (7 a 14 de enero de 1986), el Sr. Ozker Ozgur expresó su enérgica desaprobación por la afluencia de colonos. Escribió:

"... El volumen de la población turcochipriota disminuye. En lugar de nuestro pueblo, que huye al extranjero para ganarse la vida, viene gente de Turquía bajo el nombre de fuerza de trabajo. Esta fuerza de trabajo pasa a ser fuerza de voto para los políticos conservadores, de orientación chauvinista. Si la situación continúa in cambiada, dentro de poco será imposible hablar de la presencia de turcochipriotas ... Esta vez debemos admitir que enfrentamos el peligro de pasar a ser una minoría en Chipre septentrional."

El Sr. Ferdi Sabit, en un artículo publicado en el periódico turcochipriota Yeniduzen del 16 de septiembre de 1987, bajo el título "Emigración", dijo lo siguiente:

"Actualmente los turcochipriotas están siendo erradicados por sus propios administradores. Ello se debe a que estos últimos creen que sus intereses a favor de la explotación pueden promoverse mejor en un clima de separación. Es evidente que cada turcochipriota que abandone Chipre será reemplazado por 5 ó 10 individuos del extranjero. La existencia de la comunidad turcochipriota afronta graves dificultades. La era actual es un período importante en que los turcochipriotas han visto amenazada su existencia comunal. Es muy importante salvaguardar esa existencia. Una de las tareas más importantes de las fuerzas comunales es permanecer alerta y resistir esa amenaza."

Los sentimientos mencionados de resentimiento, frustración y oposición abierta a las políticas de los dirigentes revelan claramente que los turcochipriotas también son víctimas de los designios expansionistas de Turquía y de sus agentes en las zonas ocupadas de Chipre y que la continua ocupación militar también constituye una violación manifiesta de sus derechos humanos fundamentales.

Un factor de esta política inhumana que provoca gran preocupación es el comportamiento político y la mentalidad de los colonos. En un artículo publicado en Yeniduzen el 19 de junio de 1986, el líder del Partido Republicano Turco, Sr. Ozker Ozgur, dijo: "¿Hay alguien que ignora la forma en que la población traída de Turquía como 'recursos humanos' ha sido transformada en fuerza de voto en favor de Denktas? ... ¿No han informado los diarios, durante muchos días seguidos, cómo se utiliza en la votación a trabajadores instalados ilícitamente? Estos hechos no pueden ponerse en tela de juicio".

En otro artículo reciente publicado en Yeniduzen el 29 de junio de 1987, el Sr. Ozker Ozgur dijo, entre otras cosas:

"Denktas está tratando de engañar tanto a los turcochipriotas como al mundo ... El aspecto político del problema es importante. También es evidente el resultado político, debido a que los turcochipriotas gradualmente se están convirtiendo en una minoría. No podemos hacer oídos sordos al

aspecto político de la cuestión. El objetivo se cumplirá mediante la aniquilación de los turcochipriotas. Se está negando la identidad política y cultural de los turcochipriotas ... Con objeto de complacer a los colonos procedentes del continente, Denktag otorga permiso para que se mate a su propia comunidad ... Esto lo hace feliz porque, a medida que aumenta el número de colonos, aumenta el porcentaje de votos para Denktag."

Me he extendido sobre la cuestión de los colonos de Turquía debido a nuestra convicción de que este horrendo crimen constituye uno de los más graves obstáculos que se oponen a la búsqueda de una solución al problema de Chipre. Esa es la razón de que consideremos que el retiro de los colonos turcos, junto con el retiro de las tropas de ocupación turcas es una cuestión prioritaria que ha de examinarse y solucionarse con urgencia.

Una tercera cuestión de importancia que incluye la continua violación manifiesta y masiva de los derechos humanos de la población de Chipre es la persistente negativa de Turquía a permitir que los 200.000 refugiados retornen a sus hogares, obstaculizando en esa forma el ejercicio de los derechos y libertades más fundamentales de la población de Chipre, incluida la libertad de circulación, la libertad de asentamiento y el derecho a la propiedad. La expulsión de la población grecochipriota autóctona, que representa el 82% de la población de ese territorio, de las zonas ocupadas por el ejército invasor está de acuerdo con el objetivo turco de llevar a cabo la partición de Chipre y lograr una homogeneidad artificial, en violación de todos los principios del derecho internacional y de todos los instrumentos de derechos humanos.

El Gobierno de la República de Chipre repudia categóricamente la afirmación de que haya habido un acuerdo de cualquier tipo sobre el "intercambio de poblaciones", alegación producida por Turquía para justificar su política de partición y segregación y para proporcionar un manto insostenible de legitimidad a sus objetivos, a saber, impedir a toda costa el retorno de los refugiados grecochipriotas a sus hogares y tierras en las zonas ocupadas.

Los hechos de la invasión y ocupación turcas son bien conocidos para la comunidad internacional gracias a los sucesivos debates celebrados en la Asamblea General y en el Consejo de Seguridad, a los informes del Secretario General, los informes de prensa, los informes de las organizaciones humanitarias y de órganos independientes de derechos humanos tales como la Comisión Europea de Derechos Humanos. Los grecochipriotas fueron expulsados por la fuerza de sus hogares y tierras ancestrales, por la fuerza siguen siendo refugiados y el ejército de ocupación turco les impide ejercer su derecho inalienable a retornar a sus hogares y tierras, en contravención de toda una serie de resoluciones de las Naciones Unidas. Los refugiados grecochipriotas fueron desarraigados de sus hogares y propiedades mediante el uso de la fuerza brutal del ejército invasor, que cometió una serie de transgresiones manifiestas y flagrantes de los derechos humanos, incluidos asesinatos en masa, raptos, violaciones y otros malos tratos, saqueos, etc. Todas esas transgresiones fueron objeto de informes de la Comisión Europea de Derechos Humanos, tribunal judicial imparcial que constituye el mecanismo eficaz para supervisar la aplicación de la Convención europea de derechos humanos por los Estados partes. Chipre invocó la jurisdicción de la Comisión Europea de Derechos Humanos en septiembre de 1974 y julio de 1975.

La Comisión, después de evaluar cuidadosamente las pruebas, encontró que Turquía era culpable de graves violaciones de derechos humanos en Chipre desde 1974 en adelante. En su informe, aprobado el 10 de julio de 1976, los distinguidos juristas miembros de la Comisión se pronunciaron claramente acerca de las graves violaciones de los derechos humanos en Chipre como resultado de la invasión turca. Con objeto de que los Miembros de esta Organización puedan ser informados por esa fuente independiente de todos los trágicos detalles de las atrocidades turcas en Chipre, adjunto a la presente algunos extractos de la segunda parte del informe de la Comisión Europea (véase el anexo I) 1/. También se adjunta una antología de varios artículos publicados en la prensa extranjera (véase el anexo II) 2/, en que se describe claramente el drama del pueblo de Chipre, de los refugiados, de los habitantes de enclaves y de las personas desaparecidas.

En cuanto a la cuestión de las personas desaparecidas, que tiene un carácter puramente humanitario, en la mencionada resolución de la Subcomisión se evitó enteramente, como era natural, culpar a nadie. Por consiguiente, la reacción de Turquía revela evidentemente la conciencia culpable del agresor y no nos sorprende en absoluto. La hipocresía de Turquía a este respecto llega al colmo si se compara, por una parte, el supuesto apoyo que el lado turco brinda a la labor del Comité sobre las Personas Desaparecidas y, por otra, la reciente declaración formulada por el Sr. Denktas, el dirigente turcochipriota, el 18 de octubre de 1987, cuando afirmó que "no hay personas desaparecidas". En dicha declaración el Sr. Denktas demuestra una completa falta de buena voluntad para cooperar sinceramente con el Comité sobre las Personas Desaparecidas. ¿Cómo puede, por un lado, exhortar a los familiares de las personas desaparecidas a "tener confianza en el comité independiente" y, por otro, declarar categóricamente que "no existen personas desaparecidas"?

Sobre la base de las pruebas existentes, los grecochipriotas desaparecidos pueden clasificarse en las siguientes categorías:

- a) Personas que han sido visitadas y enumeradas por el Comité Internacional de la Cruz Roja (CICR) como prisioneros de guerra o personas residentes en enclaves en la zona ocupada de Chipre;
- b) Personas enumeradas como prisioneros de guerra por los propios turcochipriotas, e incluidas en las listas de personas que iban a ser puestas en libertad pero que no lo fueron por razones no especificadas;
- c) Personas identificadas en fotografías publicadas en los periódicos turcos y mundiales y en las redes de televisión;
- d) Personas que en varias ocasiones hablaron por la radio ilegal turcochipriota "Bayrak" y enviaron mensajes a sus familiares, respecto de las cuales el lado turcochipriota no ha suministrado información desde entonces;

1/ En inglés únicamente.

2/ Unicamente en el idioma en que fueron presentados.

e) Personas de cuyo arresto por los turcos fueron testigos otras personas capturadas con ellas y tomadas prisioneras, pero posteriormente puestas en libertad (testimonios).

Para el Gobierno de Chipre la cuestión de las personas desaparecidas existirá hasta que se averigüe por completo su suerte, después de una investigación a fondo de cada caso por separado. La cuestión de las personas desaparecidas tiene carácter puramente humanitario y todos deben considerarla así. Los familiares de las personas desaparecidas tienen el derecho inalienable de recibir información sobre la suerte de sus seres queridos y, por esa razón, deben continuar haciéndose grandes esfuerzos en todas direcciones para averiguar su suerte.

Con respecto a las ficticias actas de las conversaciones sobre las personas desaparecidas, que figuran en el apéndice III del documento A/42/690, sólo deseo declarar que estamos acostumbrados a la duplicidad y a la falacia del lado turco, pero no hasta el grado de producir y publicar conversaciones imaginarias. En forma análoga, la declaración de que "desde 1974 no han ocurrido violaciones sistemáticas de los derechos humanos en Chipre" es contraria a los repetidos llamamientos formulados a Turquía en solemnes resoluciones de las Naciones Unidas para que respete los derechos humanos y las libertades fundamentales del pueblo de Chipre.

El respeto por los derechos humanos, consagrado en los diversos instrumentos de derechos humanos, no puede reconciliarse con el uso de la fuerza, con la agresión y la ocupación militar y con el desarraigo y la segregación de una población por criterios raciales.

La comunidad internacional se ha esforzado durante la era de las Naciones Unidas por elaborar normas e instrumentos de derechos humanos y por proporcionar el mecanismo necesario para su aplicación. Chipre ha pasado a ser parte en todos los instrumentos de derechos humanos y regularmente presenta informes a los diversos órganos de derechos humanos establecidos para vigilar su aplicación. Falta que Turquía, que hasta ahora no es parte en ninguno de los convenios internacionales en la esfera de los derechos humanos, comience a dar razón de los crímenes que ha cometido no sólo contra el pueblo de Chipre sino contra millones de otras personas.

Agradecería que la presente carta y sus anexos se distribuyeran como documento de la Asamblea General en relación con los temas 12 y 46 del programa.

(Firmado) Constantine MOUSHOUTAS

Embajador

Representante Permanente de Chipre ante
las Naciones Unidas

ANNEX I

Extracts from part II of the report of the European Commission of Human Rights

PART II -- EXAMINATION OF THE ALLEGATIONS
IN THE TWO APPLICATIONS

Introduction

86. The Commission will examine the applicant Government's allegations in the following order:

- displacement of persons (Art. 8 of the Convention)- Chapter 1;
- deprivation of liberty (Art. 5) -- Chapter 2;
- deprivation of life (Art. 2)- Chapter 3;
- ill-treatment (Art. 3) -- Chapter 4;
- deprivation of possessions (Art. 1 of Protocol No. 1) -- Chapter 5;
- forced labour (Art. 4 of the Convention) - Chapter 6.

87. With regard to each item the Report will set out:

- the relevant submissions of the Parties;
- the relevant Article of the Convention;
- the evidence obtained;
- an evaluation of the said evidence;
- the Commission's opinion as to the responsibility of Turkey under the Convention for the acts complained of;
- the Commission's conclusion as to the alleged violation.

88. The Commission, for the reason stated above (1), had to restrict its investigation of the violations alleged in the present case. It therefore has not considered as separate issues the applicant Government's complaints concerning:

- searches of homes (Art. 8 of the Convention);
- interference with correspondence (Art. 8),
- detention of Greek Cypriots arrested at the demarcation line (Art. 5).

(1) See para. 77.

Chapter 1 - Displacement of persons

Introduction

89. Many of the applicant Government's allegations of violations of human rights by the Turkish armed forces in the Northern part of Cyprus are closely related to the displacement, on a massive scale, of the Greek Cypriot population of that area. The Commission has therefore first considered whether the alleged expulsion of some 200,000 Greek Cypriot citizens and/or the alleged refusal to allow their return to their homes in the northern area, constitute, if established, in themselves violations of the Convention.

90. Further alleged violations of the Convention arising out, not of the displacement as such, but of particular circumstances of alleged measures of expulsion in individual cases, such as ill-treatment, detention, loss of property, etc., must be distinguished from the displacement itself and will be dealt with in the relevant context in subsequent chapters.

91. Finally, as regards the displacement, the Commission considers that a distinction should be made between:

- the movement of persons provoked by the military action of Turkey;
- measures of displacement not directly connected with the said military action (e.g. eviction from homes, expulsions and transfers across the demarcation line);
- the refusal to allow the return of refugees and expellees, and
- the separation of families brought about by measures of displacement.

This distinction, which is not to be found in the applicant Government's submissions, will be observed by the Commission in its presentation and evaluation of the evidence obtained, and in its opinion on the legal issues.

A. Submissions of the Parties

I. Applicant Government

92. The applicant Government submitted that, as far ago as 1964 Turkey had pursued a policy with regard to Cyprus which envisaged a compulsory exchange of population between the Greek and Turkish Cypriot communities in order to bring

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about a state of affairs in which each of the two communities would occupy a separate part of the island. This policy became publicly known as the so-called Attila plan (1).

93. The military action of 1974, and in particular its second phase between 14 and 16 August 1974, was designed to implement this plan by the use of force (2). The atrocities committed in the course of this action constituted part of the tactics to bring about the geographical partition of Cyprus with the object of destroying and eradicating the Greek population of the occupied areas and creating a Turkish populated area (3).

94. The actions of the Turkish armed forces included:

- the deportation to Turkey of men who were taken prisoners(4);
- the transport of persons (mostly women, children and old men) to the demarcation line and their expulsion to areas controlled by the applicant Government (5). The Government specially mentioned the expulsion in this manner of about 600 persons from the villages of Karmi, Trimithi, Therua, Kazaphani and Ayios Georgios on 2 August 1974 (6), and of 778 persons, mostly from the Karpasia area, between 27 and 30 June 1975 (among whom were the last inhabitants of the villages Ayios Serghios, Gerani, Akhna, Engomi, Kalopsida, Davlos, Ayios Georgios and Spatharikon) (7). Further cases of expulsion allegedly happened in 1976, affecting 1,051 persons including children and elderly people from Kyrenia and Karpasia area between January and May 1976 (8);
- the detention of persons who had stayed in the areas controlled by the Turkish armed forces in "concentration camps" where they were forced to live under such miserable conditions that they reached a stage of complete despair, and had to apply to move to the areas controlled by the applicant Government in order to alleviate their condition (9);

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- (1) Cf. Particulars I, para. 9.
 - (2) Particulars I, para. 8.
 - (3) Particulars I, paras. 22, 24.
 - (4) Particulars I, para. 20 I; Particulars II, para. 12 k; as regards detention in Turkey see also below, Chapters 2 C and 4 B.
 - (5) Particulars I, paras. 20 G and 22 B (iv); Particulars II, para. 12 c (iii).
 - (6) Particulars I, para. 22 B, second sub-paragraph.
 - (7) Telex communication from the applicant Government of 2 July 1975.
 - (8) Telex communication from the applicant Government of 10 May 1976.
 - (9) Particulars I, paras. 20 C and 23; Particulars II, para. 2 12 c (i). See also below Chapters 2 B and 4 B. /...

- the forcing of persons either by the threat of arms, or by inhuman conditions of life imposed on them by the Turkish military authorities, to sign applications for their transportation to areas controlled by the applicant Government (1);

the creation of such conditions in the north of Cyprus that Greek Cypriots would not wish to return there even if they were allowed to do so. The applicant Government complained in particular of facts accomplish such as the allocation of Greek Cypriot homes and properties to Turkish Cypriots and Turkish settlers (2);

- the continued refusal to allow the return of Greek Cypriots to their homes in the area controlled by the Turkish forces (3);

95. The result of these measures was that out of a total population of about 200,000 Greek Cypriots in the north there remained only about 14,000 in September 1974, and about 8,000 in July 1975. The applicant Government stressed that the remainder (about 40% of the island's Greek population) did not move to the south of their own volition, in the exercise of the "freedom to move to the south" proclaimed by the Turkish side, but were all expelled by the Turkish army and not allowed to return (4).

96. The applicant Government also referred to certain statements which were said to have been made by Turkish officials. Thus the Chief Spokesman of the Turkish Foreign Ministry, Mr. Semi Akbil, was reported to have stated that the remaining 8,000 Greek Cypriots in the north might also have to be moved. Mr. Barutcu, Head of the Cyprus and Greek Department of the same Ministry, had modified this statement by saying that only those Greek Cypriots who had applied for permission to leave were being moved, and that this was not expulsion (5).

97. According to the applicant Government, however, some of the persons concerned were forced to sign applications for their transportation to the Government controlled areas; the majority did not even sign such applications and persistently refused to abandon their homes. In fact, all of them were displaced by force (6).

- (1) Particulars II, para. 12 C (ii); see also the applicant Government's telex of 10 May 1976 for cases of ill-treatment which allegedly happened in 1976.
- (2) Particulars II, paras. 20 F and 24; Particulars II, para. 12 f; telex communications from the applicant Government of 26 June 1975, para. B, and of 22 October 1975, according to which the movement of Turkish settlers had been intensified and was done on a systematic and big scale basis "with the object of altering the racial balance of the island".
- (3) Particulars I, para. 20 C; Particulars II, para. 12 c.
- (4) Appendix "A" to applicant Government's observations on the admissibility of Application I, para. 11.
- (5) Telex communication from the applicant Government of 2 July 1975.
- (6) Ibid.

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II. Respondent Government

98. The respondent Government who, for the reasons stated above (1), did not take part in the proceedings on the merits, have not made any statements with regard to these allegations.

B. Relevant Article of the Convention

99. The Commission considers that the displacement of persons from their homes, as complained of in the present applications, raises issues under Art. 8 of the Convention (interference with their homes and their private and family life). It notes in this connection the applicant Government's view that the "displacement of thousands of persons from their places of residence and refusal to all of them to return thereto" caused "separations of families and other interferences with private life" (2).

100. Art. 8 of the Convention reads as follows:

"1. Everyone has the right to respect for his private and family life, his home and correspondence.

2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others."

C. Evidence obtained

I. General information concerning displaced persons in Cyprus

101. In view of the scope and importance in the present applications of the complaints concerning the displacement of Greek Cypriots from the north of Cyprus, following the Turkish military action in 1974, the Commission has first sought to obtain some general information concerning the displacement of persons in Cyprus.

102. The Commission notes that the displacement of persons in Cyprus, as a consequence of the 1974 events, was on a very large scale and covered both Greek Cypriots and Turkish Cypriots, but an overwhelming majority of the former. The figures of Greek Cypriots displaced to the south are about 180,000 as will be set out below; the figures of Turkish Cypriots who moved to the north

(1) See Part I, para. 23.

(2) Application I, para. 3.

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are of the order of 40,000 including approximately 17,000 transferred under negotiated agreements (1). The overall situation in respect of the displaced persons in Cyprus has been described in the Forni and Karasek reports to the Parliamentary Assembly of the Council of Europe (2), as well as the progress reports of the Secretary General of the United Nations on developments in Cyprus (3).

103. The fact that the overwhelming majority of the Greek Cypriot population has left the northern area of Cyprus as a consequence of the Turkish military action in 1974 is common knowledge and needs no corroboration by specific evidence. In this respect the Commission would simply refer to the Council of Europe and United Nations reports mentioned above (4) and to the visit of its Delegates, on 5 September 1975, to two refugee camps in the area controlled by the applicant Government (5).

104. As regards the number of Greek Cypriot displaced persons, the Commission's Delegation heard two witnesses who hold responsible posts concerned with relief to refugees in Cyprus: Mr George Iacovou, Director of the Special Service for the Care and Rehabilitation of Displaced Persons (an organisation set up by the applicant Government and operative since 20 August 1974), and Mrs Stella Soulioti, Chairman of the Cyprus Red Cross Society.

Mrs Soulioti stated that there were some 26,000 refugees after the first phase of the Turkish military operation (3 August 1974), and 170,000 after the second phase (22 August 1974). She estimated that the number must have risen further to about 210,000 by September 1975, but admitted that her figures could be less reliable than those to be obtained from Mr Iacovou (6).

Mr Iacovou stated that already before the creation of the Special Service he had been responsible for registering the persons who had become displaced during the first phase of the

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- (1) About 9,000 were moved pursuant to an Anglo-Turkish arrangement in January 1975 from the British Sovereign Base Area at Episkopi where they had sought refuge, and about 8,000 were moved pursuant to the inter-communal agreement reached of the third round of the Vienna talks in August 1975.
 - (2) See Part I, para. 15 above.
 - (3) UN Docs. S/11353 and Add. 1-33; S/11468 and Add. 1-4; S/11488/Add. 2; S/11568; S/11717 covering the period up to June 1975.
 - (4) See para. 102 above.
 - (5) The Refugee Camp Orphanage School, Nicosia and Refugee Camp Stavros; of interviews with persons in these camps on pp. 1-15 of the Addendum.
 - (6) Verbatim Record, pp. 5-6. Further figures mentioned by Mrs Soulioti: 22.7.1974 - 3,000 refugees, 30-7-1974 - 15,000.

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military operation and that there had been about 30,000 refugees at that time. He further said that according to the Special Service's records there were 182,827 displaced persons in September 1975, 135,716 of whom were not self-supporting and received aid from the Special Service, so that he knew their number very intimately. Originally there had been even 203,000 needy refugees, but many persons who had left areas in the south bordering the territories controlled by Turkey had in the meanwhile returned there (1).

105. Of the reports mentioned above (2), the Forni report of the Parliamentary Assembly, referring to data published by the applicant Government, states that the number of Greek Cypriot refugees fell from 203,600 on 1 September 1974 to 179,000 on 21 November 1974, 24,000 people having returned to their homes in Nicosia or near the Turkish-held zone (3).

According to a UN report of 9 June 1975 the number of displaced Greek Cypriots on that date was 182,000, their total number having increased by some 3,000 since 21 November 1974, primarily because of the transfer of Greek Cypriots from the north to the south (4).

106. The methods and process of displacement of Greek Cypriots have been described by many witnesses. The Commission here notes the testimony of witnesses heard by its Delegation in Cyprus who had left the northern area as a consequence of the military events in the summer of 1974, and the statements of the persons interviewed in the refugee camps. Some of them also gave a more general account of the population movement as they had seen it. Further evidence is contained in many of the written statements submitted by the applicant Government. Finally, there are some relevant UN documents such as UNFICYP reports on certain incidents, or the reports of the Secretary General of the United Nations on intercommunal talks which took place under his auspices.

II. The movement of persons provoked by the military action of Turkey in the two phases of actual fighting (20-22 July, and 14-16 August 1974)

107. It appears from the evidence before the Commission that the majority of the displaced persons are persons who fled from their homes in the north of Cyprus because of the military action of Turkey in the two phases of actual fighting (20-22 July 1974 and 14-16 August 1974).

108. According to witness Mrs Soulioti the 170,000 refugees who had existed by 22 August 1974 were very largely people who had fled themselves (5). This was confirmed by Mr Iacovou who

- (1) Verbatim Record, p. 159.
- (2) Para. 102 above.
- (3) Council of Europe Doc. 3566, para. 13.
- (4) UN Doc. S/11717, para. 34.
- (5) Verbatim Record, p. 5.

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pointed to the psychological condition of these people (1). He mentioned that even the Greek Cypriot population of places that were never reached by Turkish troops had ebbed away and had only returned to their homes after the actual fighting stopped (2).

109. There is evidence showing that the flight of Greek Cypriots from the fighting area started in the very first days of the Turkish military action in July 1974. A UN report of 22 July 1974 stated that a major problem faced by all UN contingents was that of refugees, most of whom were concentrated in the Kyrenia and Famagusta areas (3). Witness Soulioti also said with regard to displaced persons in the first phase that there may have been some who fled, who left on their own (4).

110. The evidence shows, however, that the main refugee movement occurred during the second phase of the Turkish military action. Witnesses Odysseos and Kaniklides both considered that at the beginning of that phase the people left in panic because they were horrified by the impressions of the July events and the stories told by the refugees from the Kyrenia area about the conduct of Turkish troops towards Greek Cypriot civilians (5).

Mr Odysseos told the Delegation that he himself left Morphou on 14 August 1974 when it became known that the Turkish troops approached the area; by the time they moved into Morphou on 16 August all but 600 Greek Cypriots (of more than 6,000) had gone (6).

Mr Kaniklides stated that he had stayed in Famagusta because he had been living with his paralysed mother, but at least 95 if not 99% of the Famagusta population left when they became aware that the (second) Geneva negotiations had broken down, as "no sane family would stay in Famagusta under the circumstances" (7).

111. Witness Iacovou stated that the village Akhna (Athna) was occupied by the Turkish army after the cease-fire of 16 August 1974; only three persons stayed behind in that village. On the other hand the local population and many refugees remained at Akheritou until the Turkish troops arrived. This village borders on the sovereign base area of Dhekelia Ayios Nikolaos and had therefore been thought to be secure - wrongly as it turned out. The village was attacked and some people were killed (8).

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- (1) Verbatim Record, pp. 167 and 174.
 - (2) Cf para. 104 above and Verbatim Record p. 165.
 - (3) UN Doc. S/11353/Add. 2, para. 13.
 - (4) Verbatim Record, p. 5.
 - (5) Verbatim Record, pp. 90 and 180. See also Chapters 3 and 4 below.
 - (6) Verbatim Record, pp. 89-90. A UN report of 15 August 1974 (S/11353/Add. 27 para. 4) states that Morphou was evacuated "by the National Guard and civilians".
 - (7) Verbatim Record, p. 180.
 - (8) Verbatim Record, pp. 173-174.

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112. The following witnesses told the Commission's Delegation that they themselves had left, or had seen others leaving, their homes in the northern part of Cyprus because of the Turkish military operation, without direct physical constraint being exerted against them:

- (a) Witnesses Mr Efthymiou and Mrs Kyprianou described how they and their families, like many other people, left their homes near Kyrenia in order to get away from the area of fighting as soon as they noticed the arrival of the Turkish forces in the first phase of the military operation (20-21 July 1974); they were, however, eventually apprehended by the Turkish soldiers (1).
- (b) Witness Dr Charalambides, former Deputy Mayor of Kyrenia, stated that immediately after the first period of fighting many people including himself (on 23 July 1974) left their houses in Kyrenia because they did not feel secure any longer, and sought refuge in the Dome Hotel which at that time was under UN protection (2).
- (c) Witness Odysseos stated that he left Morphou on 14 August 1974 before the Turkish army reached it (3).
- (d) Witness Kaniklides from Famagusta (4) stated that he saw members of his family leaving (5) and that he had telephone communications with clients who had left Famagusta (6) before the Turkish troops moved into the city.
- (e) Witness Dr Hadjikakou, a physician, stated that he was in charge of a military hospital at Lysi. After an air attack he moved all his patients from Lysi to Famagusta. He was then ordered (apparently by the applicant Government) to stay in Famagusta and to work in the Government hospital there, which in turn was eventually evacuated to the enclave Ormidhia in the British base of Dhekelia (7).

113. Of the persons interviewed in the refugee camps refugee B said that she and her family left the village Trakhoni before Turkish troops reached it, and that she saw others leaving as well (8). Refugee D of Palekythro, who was detained in Voni, said that the other members of his family crossed over to the Greek sector in view of the danger (9). Three young boys in the refugee camp Stavros (H, I and J, aged between 11 and 14 years) stated that they left their homes with their families (10).

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- (1) Cf Verbatim Record, pp. 197-198 and 204-205; see also statements I, Nos. 59, 60 and 82 which refer to the same incidents.
 - (2) Verbatim Record, p. 73.
 - (3) See para. 110 above.
 - (4) See para. 110 above.
 - (5) Verbatim Record, pp. 181-182.
 - (6) Ibid. p. 184.
 - (7) Verbatim Record, pp. 105-106.
 - (8) Addendum : pp. 4-5.
 - (9) Addendum : p. 9.
 - (10) Addendum : pp. 13-14.

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114. It appears from the evidence that the refugee movement of Greek Cypriots from any place in the northern area of Cyprus came to a halt as soon as it was overtaken by the Turkish troops. After the phases of actual fighting (20-22 July and 14-16 August 1974) any Greek Cypriots who still remained in areas then controlled by the Turkish army were subjected to restrictions of movement (1) and it seems that the Turkish forces even stopped the flight of Greek Cypriot refugees. Several written statements (2) described the apprehension by Turkish troops of such refugees in their flight.

III. Measures of displacement not directly connected with the Turkish military action in the periods of actual fighting

115. There is evidence that after the end of the actual fighting any displacement of Greek Cypriots within and from the areas controlled by the Turkish army took place under the actual supervision of the civil or military authorities in these areas.

116. The Commission found evidence concerning the following forms of such displacement:

- (a) displacement of Greek Cypriots within the areas controlled by the Turkish army, in particular by their eviction from homes and property (3);
 - (b) expulsion of Greek Cypriots from the north of Cyprus across the demarcation line (4);
 - (c) negotiated transfer of Greek Cypriots to the area controlled by the applicant Government after detention in the north of Cyprus (5);
 - (d) deportation of Greek Cypriots to the mainland of Turkey from where they were eventually released to the area controlled by the applicant Government (6), and
 - (e) negotiated transfer, for humanitarian reasons, of medical cases and other persons to the area controlled by the applicant Government (7).
- (a) Displacement of Greek Cypriots within the areas controlled by the Turkish army

117. There is ample evidence concerning the removal of large groups of Greek Cypriots from places in the north of Cyprus to

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- (1) As regards the restrictions imposed on so-called enclaved persons, see Chapter 2 A below.
 - (2) Cf e.g. Statements I, Nos 2, 46, 52, 58, 70, 81, 83, 90.
 - (3) See paras. 117-122 below.
 - (4) See paras. 123-130 below.
 - (5) See paras. 131-149 below.
 - (6) See paras. 150-158 below.
 - (7) See paras. 159-165 below.

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other places within the territory controlled by the Turkish army. It appears that a considerable number of people, including in many instances the entire remaining population of Greek Cypriot villages, were so removed from their ordinary places of residence, but a relatively high proportion were persons who had left their own homes and found shelter in the houses of others, relatives, friends and in some cases foreigners.

118. There is evidence that persons were evicted under physical constraint from houses, including their own houses. Thus, Refugee A in the Refugee Camp Orphanage School stated that she and her family were evicted from their house at Ayios Georgios in July 1974 (1). Witnesses Kyprianou and V. Ephtimiou stated that their group was forced out at gun point from a cellar or stable where they had hidden (2). Witness Andronikou, Director General of the Cyprus Tourism Organisation, stated that two hotel owners who had been ejected came to see him: The owner of the Constantia Hotel in Famagusta, who had stayed behind after the evacuation of the city because he had had a bed-ridden daughter, had been asked by the Turkish military authorities to go away, otherwise he would suffer the consequences. A lady, the owner of the Bellapais Hotel in Kyrenia, had been ordered to leave the hotel and had been threatened that she would be killed if she refused to go (3). Moreover, it appears that many people were ordered to gather at certain central assembly points (school, church) in their respective villages (4). If they were not immediately detained there (5) they were driven away in buses and other vehicles.

119. Especially in respect of the first phase of the Turkish military action there is evidence that groups of people were driven to assembly points outside villages, where they were held for short periods of time, and then allowed to return to their villages. Forcible excursions of this kind were in some places repeated several times, and in some cases the villagers found their houses looted when they returned. Eventually the men were taken prisoner, and women and children were expelled to areas controlled by the applicant Government.

120. Incidents of this kind were confirmed in a UN report of 5 August 1974 (6). The Delegates also heard some eye-witnesses who described such incidents.

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- (1) Addendum, pp. 1-12.
 - (2) Verbatim Record, pp. 198, 205.
 - (3) Verbatim Record, pp. 126-127.
 - (4) Cf e.g. the statement of witness Pirkettis, Verbatim Record, p. 42 and Statements I Nos 1, 3, 12, 13, 14, 29, 32, 41, 49, 50, 53, 68.
 - (5) Cf e.g. Statements I Nos 3, 21, 33, 36, 47, 49 and 51.
 - (6) UN Doc. S/11353/Add. 15 para. 8 a).

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Thus witness Pirkettis, a 37 year-old schoolteacher, stated that he was on holiday in the north and stayed in a house at Trimithi when the Turks arrived. On 26 and 29 July 1974 the people in this village were told to gather in the school yard and were then driven in buses and trucks to Boghazi. Having been brought back to their village, they were again driven to Boghazi, but this time all men between 15 and 70 including himself were separated from their families at Boghazi and brought to Turkey (1). His family was again taken back to the village and was released to the south some days later (2).

Refugee C in the Refugee Camp Orphanage School in Nicosia stated that she and other persons who had taken refuge in a house of English people in the village of Karmi were evicted and taken to a field. About 200 people were kept there for several hours, and were then driven to Boghazi on the Kyrenia-Nicosia road, from where they were taken back to the village. The men, including C's son, were then taken prisoner, and she herself and other villagers were expelled after several days of confinement (3).

Descriptions of similar incidents were contained in a number of written statements submitted by the applicant Government some of which referred to and confirmed the above statements concerning events in Trimithi and Karmi (4).

121. It further appears from the evidence that in other cases groups of Greek Cypriots were transported, either directly from their villages, or from the assembly points mentioned above, to various places of detention within the territory controlled by the Turkish army:

- (a) Men who were later officially classified as "prisoners or detainees" in the inter-communal agreements and UN documents, were usually taken to Saray Prison or Pavlides Garage in the Turkish sector of Nicosia, or to Turkish military camps in the countryside (e.g. Acrades camp). Most of them were subsequently deported to Turkey (5).
- (b) Many people, mostly women, children and old men, were taken to certain detention centres, the main ones being in Gypsou, Marathovouno, Vitsada, Voni and later Morphou (6). Witness Soulioti submitted lists giving details of such transfers (7).

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- (1) Verbatim Record, pp. 41-44.
 - (2) Ibid., p. 57.
 - (3) Addendum, pp. 6-8.
 - (4) Statements I, Nos 3, 4, 68, 92 (Trimithi) and 69 (Karmi).
 - (5) See Chapter 2 C below.
 - (6) See Chapter 2 B below.
 - (7) Addendum pp. 22-23.

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- (c) Finally, some persons from Kyrenia and the surrounding villages were brought to the Dome Hotel at Kyrenia by Turkish troops. This was confirmed by UN reports (1) and by witnesses heard by the Delegation, including witness Soulioti (2) and eye-witness Dn Charalambides, who was detained in the Dome Hotel (3). Other persons who went to the Dome Hotel or who were brought there by the UN forces for their protection were eventually also detained by the Turkish army and not allowed to return to their houses (4).

122. By the summer of 1975 the process of displacement of Greek Cypriots within the north of Cyprus had come to an end either by the return of the persons concerned to their homes in this area, or by their expulsion or negotiated transfer the area controlled by the applicant Government.

(b) Expulsion of Greek Cypriots from the north of Cyprus across the demarcation line (5)

123., Expulsions of groups of Greek Cypriots from the area controlled by the Turkish army by their deportation to the demarcation line were described in a UN report based on UNFICYP information of 5 August 1974. According to this report some of the women and children of many villages were told to leave their villages and to cross the line into territory controlled by the National Guard. Others were transported, without their possessions, to Nicosia by bus and set free with instructions to cross the "green line" into the Greek Cypriot sector of the city (6).

124. Straightforward expulsions by driving groups of people in buses and other vehicles to the green line were also described by witness Mrs Soulioti who stated (7) that she had personally seen such people arrive and had arranged that they were put in the Acropolis Gymnasium in Nicosia where she had interviewed some of them. As President of the Cyprus Red Cross Society she had also received various reports from Red Cross workers who had taken care of those displaced persons at the green line.

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- (1) UN Doc. S/11353/Add. 15, para. 18 a).
(2) Verbatim Record, p. 7. According to this witness "a few people were sort of mopped up from the villages west of Kyrenia in the first phase and put in the Dome Hotel".
(3) Verbatim Record, p. 73.
(4) Cf. Chapter 2 B below.
(5) The term "demarcation line" designates the dividing line between the territories controlled at the material time by the applicant Government on the one hand and the Turkish forces on the other.- cf para. 14 above.
(6) UN Doc. S/11353/Add. 15, para. 8 b).
(7) Verbatim Record, pp. 3-6.

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According to the witness there had been three waves of such expulsions:

- On 2 August 1974 about 600 people were evicted in this way from Trimithi, Karmi and Ayios Georgios, three villages just west of Kyrenia.
- According to statements made to the Cyprus Red Cross between 17 and 24 August 1974 the same pattern was followed in the second phase of the Turkish military operation with regard to the villages of Omorphita, Trakhoni, Mandres, Assia and Livadia. Mrs Soulioti could not tell the overall number of actual expulsions in the second phase but stated that she had received information according to which 300 people of Assia had been evacuated to Dhekelia.
- Finally, according to the witness, 900 people, mainly from the Karpasia area, were expelled in June 1975; she was informed of this expulsion by the Red Cross workers who received these people. The witness also submitted a copy of a letter written on 8 July 1975 by Mr Matsoukariis, Head of the applicant Government's Service for Humanitarian Matters, to Mr H. Schmid de Gruneeck, Head of the Mission of the International Committee of the Red Cross in Nicosia, which described the conditions under which these expulsions occurred (1).

125. Hearsay evidence concerning direct expulsions from Trimithi and Asha (Assia) was given by witness Iacovou. He stated that the people of Asha were loaded into buses and taken to the village of Pergamos, which borders on the Sovereign Base of Dhekelia, where they were released and told to walk to the other side (2). As to the expulsions from the Karpasia area, he observed (3):

"The Turks (Turkish Cypriots) have been going to the area controlled by the Turkish army all the time by various means. The official means was originally the exchange of prisoners and then the reunification of families. That was done by agreement. The recent exchange which was agreed upon in Vienna arose from the intention of the Turks to expel 10,000 persons in the Karpas peninsula unless the Turks in the south were allowed to go north. In fact they had started enforcing their threat and expelled 850 Greeks from the Karpasia area, and in the course of the Vienna talks it was agreed that the Government should allow the Turks in the Government-controlled area to go north and the Turkish authorities would accept a number of the 850."

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- (1) Addendum, pp. 17-19.
 - (2) Verbatim Record, p. 167.
 - (3) Ibid., p. 165.

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126. The Commission's Delegation also heard several persons who stated that they were expelled from the north of Cyprus, or had been eye-witnesses of such expulsion.

Among the refugees whom Delegates interviewed in the refugee camp Orphanage School in Nicosia one person, Refugee A, stated that she was forced by Turkish Cypriots to leave her house at Ayios Georgios. She was eventually driven to the green line in Nicosia on 2 August 1974. All the people in the camp had come to the green line together. (1).

Another woman in the same camp, Refugee C from Karmi, described the eviction of the population of her village: when Turkish troops arrived in July 1974 they drove about 200 villagers in vehicles to a place on the Kyrenia-Nicosia road. The UN intervened and they were taken back to their villages. Then the men (among them C's son) were separated and deported to Turkey. The remaining people were confined to their houses for several days. Finally, on 2 August 1974 they were taken in trucks to Nicosia where they were set free near the green line at the Ledra Palace Hotel (2).

Witness Pirkettis described a similar course of events in Trimithi (3): he was deported to Turkey (4), but his family was "released" to the south some days after his separation from them on 29 July 1974 (5).

127. Descriptions of group expulsions are also contained in a number of written statements submitted by the applicant Government. According to some statements their authors were evicted from their houses (6) while other statements report that their authors were apprehended in the houses of others or in their flight.(7).

128. Several of these statements relate to the events at Trimithi which were also described by witness Pirkettis. On the whole they confirm his testimony and add that the remaining population of Trimithi was taken to the green line in three buses on 2 August 1974 (8). Two other written declarations stated to be by persons from Ayios Georgios and Karmi support the oral statements of Refugees A and C (9).

(1) Addendum, pp. 1-3.

(2) Addendum, pp. 6-8.

(3) See para. 120 above.

(4) See para. 298 below.

(5) Verbatim Record, p. 57.

(6) Statements I, Nos 11 (Famagusta), 57 (Mia Milia), 68 (Trimithi), 69 (Karmi) and 70 (Palekythro).

(7) Cf e.g. Statements I, Nos. 4, 46, 63 and 90.

(8) Statements I, Nos 3, 4, 68 and 92.

(9) Statements I, Nos 13 and 69.

129. Further statements concerning expulsions were submitted by witness Tryfon, the Chairman of the Cyprus Land and Property Owners' Association. Of the statements which, according to the witness, were made to his association, one described the forcible expulsion of 184 persons from a village on 7 August 1974 (1). Another written statement submitted by Mr. Tryfon describes a group expulsion of about 60 people on 27 November 1974 (2).

130. Finally, a film of the Cyprus Broadcasting Corporation showing interviews with people from Davlos and other villages of north-east Cyprus, who stated that they were expelled from their homes in June 1975, was shown to the Commission's Delegation at the Cyprus Broadcasting Studios in Nicosia on 4 September 1974 (3).

(c) Negotiated transfer of Greek Cypriots to the area controlled by the applicant Government after detention in the north of Cyprus

131. There is evidence concerning the transfer of a considerable number of Greek Cypriots to the area controlled by the applicant Government on release from detention (4).

132. In connection with detention in the north of Cyprus, the Commission notes that several witnesses considered that in particular the "concentration camps" were a deliberate device to eradicate the Greek population from the area (5).

(1) Addendum, p. 92.

(2) Addendum, p. 91.

(3) Addendum, p. 99, film No. 3.

(4) For the various forms of detention, see Chapter 2 below; for conditions of detention, see Chapter 4 B below. As regards detention in Turkey, see also sub-section d) below.

(5) Cf the statements by witness Soulioti, Verbatim Record, p. 9, Stylianou, *ibid.*, p. 36, Hadjiloizou, *ibid.*, p. 70, and Iacovou, *ibid.*, pp. 167 and 174-175. Mr. Iacovou spoke of a "psychological process of making people go" besides the "actual physical process of moving people".

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133. In this respect some referred to statements made by Mr Zuger, Representative of the International Committee of the Red Cross (ICRC), and Mr Kelly, Representative of the United Nations High Commissioner for Refugees (UNHCR), before the UN Ambassador Weckmann-Munoz, Mr Denktash and Mr Clerides at their meeting of 7 February 1975 (1).

These statements, which were also submitted by the applicant Government (2), read as follows:

"Zuger:

The people, who were brought from villages to Morphou, have been placed in a school building, in crowded conditions, under guard. They have no freedom to go outside the school building, they are mostly elderly men and women and young children. The situation is similar to that which existed in Voni, Gypsou and Vitsadha. They want to go south because they are not allowed to go back to their homes. We have not noticed any signs of physical pressure on them, but it is true that, after six months of confinement, they feel that there is no hope for them. Even the Morphou people are not allowed to live in their homes, with the exception of one family. Our doctors fear for the life of these people. Most of them have given up, they are lying on the floor, they are completely disinterested in everything that goes on around them and the only thing they do is to cry. The Red Cross gives them what aid it can in medicines etc., but this is not enough. On humanitarian grounds we urge that they should be transferred to the south.

Kelly:

One must distinguish their present situation during the last two months from that they were in when they lived in their own villages. Before they were moved from the villages they did not want to go south. They wanted to remain in their homes. Now that they have been moved to Morphou, the physical conditions in which they live are deplorable, they are confined in a school building, they are not allowed to move out of the building, their spirit has broken down. They are lying in the floor crying. As far as we know, they were moved by the Turkish army without any explanation. They were not allowed to move their furniture or their personal belongings except a few clothes. I have visited them before and they were happy in their homes, in the villages.

- (1) Cf. witnesses Odysseos, Verbatim Record, p. 94 and Iacovou, *ibid.*, p. 163.
- (2) Appendix A to their observations on the admissibility of Application I.

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Zuger:

They have applied to move south after they were moved from their villages. Before, from our visits to their villages, we can say that they were happy in their homes."

134. In view of these statements the Commission has found it necessary to consider the conditions of the release and transfer of Greek Cypriots from the various places of detention in the north of Cyprus to the area controlled by the applicant Government.

135. There is evidence that the transfer of persons who had been detained for longer periods - as opposed to those who were unilaterally expelled after short periods of detention (1) - took place on a mutual basis under intercommunal agreements which were concluded pursuant to the Geneva Declaration of the Foreign Ministers of Greece, Turkey and the United Kingdom of 30 July 1974 (2). Para 3 D of this Declaration (3) read as follows:

"Military personnel and civilians detained as a result of the recent hostilities shall be either exchanged or released under the supervision of the International Committee of the Red Cross within the shortest possible time."

136. On 4 August 1974 the Turkish Embassy in Nicosia passed the following message to UNFICYP with the request that it be transmitted to the Greek Cypriot authorities:

"With reference to paragraph 3 (d) of the Geneva Declaration, Turkey states her readiness to release all civilian Greek and Greek Cypriots who are in the Turkish controlled areas without regard to equality of numbers.

Turkey seeks a similar statement from the other interested parties and the ICRC should undertake its responsibilities and fulfil its duty in that respect and state its readiness to co-operate. Turkey gives priority to the release of civilians and as soon as the release of civilians is accomplished the exchange of prisoners should take place." (4)

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- (1) See sub-section b) above.
 - (2) See Part I, para. 13
 - (3) Reproduced at Appendix IV.
 - (4) UN Doc. S/11353/Add. 15, para. 11.

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137. The intercommunal talks were then initiated following the UN Secretary-General's visit to Cyprus from 25 to 27 August 1974 (1). They took place between Acting President Clerides and Vice-President Denktash with the assistance of the Special Representative of the UN Secretary-General, Ambassador Weckmann-Munoz, and other UN officials, including a representative of the UN High Commissioner for Refugees, and in the presence of a representative of the ICRC (2).

138. A first preliminary agreement was reached on 6 September 1974 to set up immediately a scheme for the general release of prisoners and detainees, and to give urgent priority in the scheme to the release of sick and wounded prisoners and detainees, and to prisoners and detainees under 18 and over 50 years of age (3).

139. An agreement of 11 September 1974 provided for the release of certain special categories of prisoners and detainees, including persons under 18, students, teachers and sick and wounded prisoners and detainees (4). At a further meeting on 13 September 1974 first priority was given to the exchange of sick and wounded prisoners and detainees, and the categories of persons to be released were extended to old people (from 55), religious, medical and paramedical personnel (5). The first exchange of sick and wounded prisoners pursuant to the above agreements was arranged by the ICRC with the assistance of UNFICYP and medical and aid organisations of both communities at the Ledra Palace Hotel in Nicosia on 16 September 1974. 116 Greek Cypriots and 126 Turkish Cypriots who were brought to the Hotel in buses were exchanged (6). The exchange of sick and wounded prisoners and detainees was completed on 21 September 1974, when 111 Turkish Cypriots and 42 Greek Cypriots were released (7).

140. The ICRC scheme for the release of all remaining prisoners and detainees was adopted in the intercommunal meeting on 20 September 1974 following the completion by the parties concerned of the lists of prisoners and detainees (8). It was put into operation as from 23 September (9) and, after

(1) Cf. UN Docs. S/11468 and S/11568, paras. 62-63.

(2) UN Doc. S/11568, para. 64.

(3) UN Doc. S/11353/Add. 15, para. 11.

(4) UN Doc. S/11468/Add. 2, para. 17.

(5) Ibid., para. 19.

(6) Ibid. para. 20.

(7) UN Doc. S/11468/Add. 3, para. 15.

(8) UN Doc. S/11468/Add. 3, para. 14 b; see also S/11468/Add. 2, para. 20 for the delay caused by the failure to produce the lists of prisoners as agreed on 6 September.

(9) UN Doc. S/11468/Add. 3, para. 15.

a temporary interruption connected with the transfer of prisoners from Turkey (1), it was completed on 31 October 1974. According to a UN report of 6 December 1974 (2) a total of 5,816 prisoners was released on both sides under this programme. They were composed as follows:

Greek Cypriots	2,487	Turkish Cypriots	3,308
Greek nationals	9	Turkish nationals	12

141. It appears, however, that persons in detention centres were not classified as prisoners or detainees, and that the above figure of 2,487 Greek Cypriot prisoners and detainees related primarily to persons who were released after their deportation to Turkey. In fact, the majority of them seem to have been deported persons, and only a small portion were persons who had been held in Saray Prison or at Pavlides Garage in Nicosia.

142. Witness Soulioti stated that these were the two places where prisoners-of-war were detained by the Turkish side in Cyprus (3). She spoke of a total of 2,526 Greek Cypriot prisoners-of-war who were released, of whom 2,380 had been taken to Turkey (4).

143. When the intercommunal talks were resumed under the auspices of the UN Secretary-General in Vienna late in April 1975, both sides declared that they were not knowingly holding undeclared prisoners-of-war or other detainees (5). This affirmation was repeated at the third round of the Vienna talks in August 1975 (6). But these declarations, too, did apparently not refer to the persons held in detention centres in the north of Cyprus.

144. The transfer of persons from the detention centres in the north of Cyprus took place under special agreements reached on the intercommunal level in November 1974. Thus it was agreed on 11 November that about 1,500 Greek Cypriots "located" at Voni and Gypsou would be evacuated to the south. According to a UN report the evacuation of 389 Greek Cypriots from Voni was completed on 18 November 1974. The evacuation of those at Gypsou was completed on 30 November, a total of 1,123 were moved to the south, and at the same time some 250 Turkish Cypriots from Mandros were transferred to the north of Cyprus (7).

145. Witness Soulioti said with regard to the evacuation of detention centres in November 1974:

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- (1) See para. 154 below.
 - (2) UN Doc. S/11568, para. 51.
 - (3) Verbatim Record, p. 18.
 - (4) Ibid., pp. 23-24.
 - (5) UN Doc. S/11684, Annex.
 - (6) Press communiqué of 2 August 1975, UN Doc. S/11789, Annex, p. 2.
 - (7) UN Doc. S/11568, para. 47.

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"The total number of people, in these camps, was 2,440 about, and they were evacuated between 15 November and 29 November 1975." (1)

Asked where they were evacuated to, the witness replied:

"They were brought over by the International Red Cross after an agreement between Mr Clerides and Mr Denktash. They were brought into the Greek side and they were all delivered to the Cyprus Red Cross" (of which the witness is the President) (2).

146. Finally it appears from the Progress Report on the UN Operation in Cyprus covering the period 7 December 1974 to 9 June 1975 that of 250 Greek Cypriots who had been concentrated in Morphou from surrounding villages all but 21 were evacuated to the south (3).

147. Most of the oral and written statements of persons who were detained in detention centres do not describe the circumstances of their transfer to the south of Cyprus. There appears to have been, however, a general feeling of relief that they were at last allowed to leave.

148. As regards the transfer to the south of Cyprus of persons confined to the Dome Hotel at Kyrenia (4), the Commission has found no evidence of specific intercommunal arrangements. While these persons were still under UN protective custody unsuccessful attempts were undertaken by the UN to obtain permission for them to return to their homes (5). The UN was more successful in the village of Bellapais where out of about 2,000 Greek Cypriots under UN protective custody 100 were allowed to go to their houses and to move freely (6). With regard to the Dome Hotel it was eventually reported that during the period 7 December 1974 to 9 June 1975 only 53 out of 350 persons who had been confined there remained. Of the 287 persons who left seven were permitted by the Turkish Cypriot authorities to return to their homes in Kyrenia (7), while the remainder were apparently gradually released to the south of Cyprus.

149. Witness Charalambides, a physician and former Deputy Mayor of Kyrenia who had been in the Dome Hotel since July 1974, stated that he was "deported" from the Dome Hotel on 5 April 1975 after protesting to the Turkish authorities that he had been refused permission to go and see a patient on 21 March. He was given two days' notice to leave Kyrenia: "The message came through the Red Cross from a letter which Mr Denktash wrote to Mr Clerides, that if I did not leave in two days' time I would be jailed and interrogated" (8).

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- (1) Verbatim Record, p. 10.
 - (2) Ibid.
 - (3) UN Doc. S/11717, para. 40.
 - (4) See Chapter 2, paras. 266-273 below.
 - (5) UN Doc. S/11353/Add. 10, para. 6.
 - (6) UN Doc. S/11353/Add. 16, para. 8.
 - (7) UN Doc. S/11717, para. 40.
 - (8) Verbatim Record, pp. 73-74.

- (d) The deportation of Greek Cypriots to the mainland of Turkey and their eventual release to the area controlled by the applicant Government

150. As stated below (1) about 2,000 Greek Cypriot men were deported to and subsequently detained in Turkey. The applicant Government speak of their "forced expatriation" (2). It is not clear, however, to what extent these persons' displacement from their homes continued after their return to Cyprus and, more particularly, after their release to the area controlled by the applicant Government. A certain portion at least were soldiers of the National Guard and it may be assumed that some of them were residents of the area still controlled by the applicant Government, to which they returned. Some of the civilians who were deported may equally have been residents of that area. In fact, Witness Pinkettis stated that he had only been in the north on holiday when he was taken prisoner (3).

151. On the other hand it appears from a number of oral and written statements that soldiers of the National Guard and other persons who were deported were arrested in their homes, or after the eviction from their homes in the north of Cyprus. In this respect the Commission refers to evidence mentioned above (4).

152. The arrangements for the release of persons who had been deported to Turkey were apparently included in the general arrangements for the exchange of special categories of prisoners and detainees, and for the release of all remaining prisoners and detainees under an ICRC scheme. The UN documents available on this matter do not distinguish between persons deported to Turkey and other prisoners and detainees. In fact, the majority of Greek Cypriot prisoners and detainees who were released on the basis of the Geneva Declaration of 30 July 1974 and the pursuant intercommunal agreements concerning "prisoners and detainees" seem to have been persons who had been deported to Turkey (5).

153. Thus it was specially mentioned in a UN document of 18 September 1974 that the second exchange pursuant to the intercommunal agreement of 13 September 1974 awaited the return of sick and wounded Greek Cypriot prisoners from Turkey (6).

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- (1) See Chapter 2 C.
(2) Particulars I, para. 20 I; Particulars II, para. 12k.
(3) Verbatim Record, p. 41.
(4) See para. 121 above.
(5) See para. 141 above.
(6) UN Doc. S/11468/Add. 2, para. 23.

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154. According to a UN report of 3 October 1974 (1) the general release of prisoners and detainees was temporarily suspended on 25 September 1974 for two reasons: the remaining Greek Cypriot prisoners had not as yet returned from Turkey, and some 164 Greek Cypriot detainees who had opted to return to their homes in areas under Turkish control had not been permitted to do so by the Turkish forces and were being held in the Turkish Cypriot quarter of Nicosia (2).

These difficulties were, however, overcome at the inter-communal meeting of 30 September 1974. The agreement reached at this meeting states i.a.

- "a) ... Arrangements are in hand for the return of Greek Cypriot prisoners and detainees from Turkey.
- b) Stranded Greek Cypriots whose normal residence is in Greek Cypriot areas shall be given facilities to return to their homes. The same applies to Turkish Cypriots ..." (3).

155. Pursuant to these agreements, 106 Greek Cypriot prisoners and detainees were returned to their villages in Karpasia on 2 October, 35 returned to the village of Bellapais and 4 to Morphou on 3 October - all under Turkish control. Nineteen opted to come to the south, and they were handed over to the Greek Cypriot authorities through ICRC on 3 October at Ledra Palace (4).

According to the UN Secretary-General's progress report of 6 December 1974 on the United Nations Operation in Cyprus there were altogether 533 Greek Cypriot prisoners and detainees who went to their villages in the north (i.e. approximately 20% of the 2,487 who were released) (5).

156. It is not clear whether the Greek Cypriot prisoners who were allowed to return to their homes in the north of Cyprus had all been detained in Turkey. The Commission notes, however, that the applicant Government referred exclusively to "ex-prisoners detained in Turkey and now residing in the Turkish occupied areas" as being under a duty to report to the

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- (1) UN Doc. S/11468/Add. 3, para. 15.
 - (2) Cf also the ICRC press release of 25 September 1974 submitted by witness Soulioti, Addendum, p. 24.
 - (3) UN Doc. S/1168/Add. 3, para. 16.
 - (4) Ibid, para. 17.
 - (5) UN Doc. S/11568, para. 51. The corresponding figure of Turkish Cypriot prisoners and detainees who stayed in the south after their release by the applicant Government is 84, i.e. approximately 4% out of the total of 3,308 Turkish Cypriots who were released.

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local police twice a day (1).

157. In addition to the documentary evidence in publications of the United Nations the Commission also obtained some direct evidence on the release of prisoners from Turkey. Thus it appears from the statement of witness Pirkettis that the prisoners were not asked or told beforehand where they were going to be released. They were just brought back to Cyprus and set free at the Ledra Palace Hotel (2).

158. At the Cyprus Broadcasting studios in Nicosia the Commission's Delegation saw two films of the Cyprus Broadcasting Corporation showing the arrival of released prisoners of war, to which Mr. Pirkettis had previously referred (3).

- (e) Negotiated transfer, for humanitarian reasons, of medical cases and other persons to the area controlled by the applicant Government

159. In addition to the transfer, en bloc, of certain groups of Greek Cypriot prisoners and detainees as described above(4), a number of individuals were brought to the area controlled by the applicant Government for humanitarian reasons. They were usually transferred with the assistance of either the ICRC or UNFICYP, on the basis of general or special arrangements.

160. In particular, an intercommunal agreement reached on 30 September 1974 provided for facilities to be given to persons in need of medical treatment, including expectant mothers, to go to their respective sides to be treated in hospitals or clinics or by doctors there (5).

161. The task of the sub-committee on humanitarian matters set up pursuant to a decision by MM. Clerides and Denktash of 17 January 1975 included the transfer to the south and north, respectively, of stranded Greek Cypriot and Turkish Cypriot children (6).

162. Apart from these general measures some cases were apparently discussed individually at the intercommunal talks, especially in private meetings between MM. Clerides and Denktash at the

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- (1) Particulars II, at pp. 10-11.
(2) Verbatim Record, pp. 51-62.
(3) Addendum, p. 99, films Nos. 2 and 7.
(4) See sub sections(c) and (d) above.
(5) UN Doc. S/11468/Add. 3, para. 16 c.
(6) Cf. UN Doc. S/11717, para. 47.

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end of each session. Thus witness Soulioti mentioned that a 16 year-old boy who had survived a mass killing was transferred on 7 June 1975 on the intervention of Mr. Clerides (1). Witness Stylianou stated that he had drawn Mr. Clerides' attention to the necessity of the transfer of certain girls who had been raped (2).

163. The actual transfer was carried out in each case with the assistance of the ICRC or the UN. Thus a UN report of 6 December 1974 mentioned that UNCIVPOL (3) had assisted to a considerable extent in the humanitarian relief programme, i.e. by providing escorts for the evacuation of persons on medical or other grounds (4). A further UN report covering the period up to 9 June 1975 stated that UNFICYP medical officers examined cases being considered for evacuation (5).

164. The accounts of individual cases given by witnesses before the Commission's Delegation show that often considerable obstacles had to be overcome until the transfer could eventually be arranged.

Thus, in the case reported by witness Soulioti of a 16 year-old boy who was eventually transferred on the intervention of Mr. Clerides, there was a previous attempt of the UN High Commissioner of Refugees, Prince Sadrudin Aga Khan, to take him with him when he visited the north of Cyprus on 23 August 1974. But a Turkish officer intervened and took the boy out of the High Commissioner's car. According to the witness, this incident was filmed and shown on TV (6).

Witness Dr. Charalambides, the former Deputy Mayor of Kyrenia who had continued to practise medicine while being confined to the Dome Hotel at Kyrenia, spoke of the transfer of emergency cases to the Government-controlled areas which he had managed to arrange with the assistance of the Red Cross, although he had encountered great difficulties in some cases (8).

Another witness, Dr. Hadjidakou, reported the case of one of his patients who, after several months of detention, was handed over to Mr Clerides at Mr Denktash's office on 7 August 1975 (8).

Witness Kaniklides stated that the UN had transferred himself and his paralysed mother from the old city of Famagusta to the Government-controlled area after they had been informed by his relatives. Considerable time passed until they finally got the permission to leave (9).

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- (1) Verbatim Record, p. 20.
 - (2) Verbatim Record, pp. 29 and 34.
 - (3) The civilian police element of UNFICYP.
 - (4) UN Doc. S/11562, para. 57.
 - (5) UN Doc. S/11717, para. 40.
 - (6) Verbatim Record, pp. 20-21
 - (7) Verbatim Record, p. 76.
 - (8) Verbatim Record, p. 111.
 - (9) Verbatim Record, pp. 193-195.

165. At the third round of the Vienna talks it was generally agreed on the intercommunal level that the Greek Cypriots then in the north of the island were free to stay, but would be permitted to move to the south at their own request and without having been subjected to any kind of pressure (1).

An interim report of the UN Secretary General of 13 September 1975 stated that 149 Greek Cypriots had been permitted to move to the south on that basis (2).

IV. The refusal to allow the return of displaced persons

166. As mentioned above (3), a number of Greek Cypriots were allowed to return to their homes in the north of Cyprus on their release from various places of detention. In particular, the UN reported that about 20% of the "prisoners and detainees" were allowed to return to the north of Cyprus under the provisions of an intercommunal agreement of 30 September 1974. Moreover, some of the persons confined to the Kyrenia Domo Hotel were eventually allowed to return to their homes in the northern area.

167. As regards persons displaced to the area controlled by the applicant Government, either by their flight, or by their expulsion or negotiated transfer from the north of Cyprus, the evidence shows that not more than 1,000 of them were allowed to return to their homes in the north. They belonged to specific categories of persons (e.g. priests and teachers) who were treated as exceptional cases (4).

168. The displaced persons in the south were physically prevented from returning to the northern area as a result of the fact that the demarcation line ("green line" in Nicosia) was sealed off by the Turkish army. Members of the Commission's Delegation have themselves crossed this line at Ledra Palace checkpoint in Nicosia (5) and seen the roadblocks in the other parts of Nicosia. According to UN reports both sides consolidated their defensive positions outside Nicosia by fortifications along the demarcation line and, in particular, extensive minefields (6). The access to areas controlled by the Turkish forces and to villages in the north in which Greek Cypriots remained was restricted even for UNFICYP (7), and the movement of Greek Cypriots in these areas was subjected to general restrictions (8).

(1) UN Doc. S/11789/Annex, p. 1, paras. 2 and 3.

(2) UN Doc. S/11789/Add. 2, para. 4.

(3) Cf. paras. 148, 155.

(4) See Part I, para. 17, above and para. 178 below.

(5) See Part I, para. 70.

(6) UN Docs. S/11568, paras. 27 30 and S/11717, paras. 18, 19 and 21.

(7) UN Docs. S/11568, paras. 31 33, S/11624, para. 17 and S/11717, paras. 22-23.

(8) See Chapter 2 A below. Reference is also made to the applicant Government's complaint concerning the detention of Greek Cypriots arrested at the demarcation line (cf. para. 88 above).

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169. The following examples were given by witnesses of unsuccessful attempts of displaced Greek Cypriots to return to their homes in the north of Cyprus:

- Witness Odysseos stated that during the first phase of the Turkish military operation in July 1974, some refugees at Morphou tried to return to Lapithos, Karavas, Ayios Georgios and Vavylas. They were not allowed to enter those places and thus forced to return to Morphou (1).
- Witness Andronikou stated that the owner of the Famagusta Palace Hotel, of British origin and married to a Greek Cypriot, told him that she made various unsuccessful attempts to go back to see her hotel after having left. She finally managed to visit Famagusta in September 1974 with representatives of embassies whom the Turkish military forces had allowed to go there with an escort (2).
- Witness Kaniklides stated that immediately after the actual fighting in August 1974 quite a number of people tried to return to Famagusta, but all were caught and some deported to Turkey (3).
- Witness Hadjikakou stated that he went back to Turkish occupied Famagusta after the cease-fire, on 18 or 19 August 1974, and apparently nothing happened to him then, but he was later prevented from going there again (4).

170. Evidence showing that a large group of displaced Greek Cypriots unsuccessfully asserted their claim to return to their homes in the north of Cyprus is the large demonstration of Greek Cypriot women (supported by non-Cypriot women) which took place, apparently under the motto "Women Walk Home", at Dherinia, south east of Famagusta, on 20 April 1975 (5).

171. As regards proceedings in the United Nations concerning the return of displaced persons to their homes in the north of Cyprus, the General Assembly, in Resolution 3212 (XXIX) of 1 November 1974 (6), considered "that all the refugees should

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- (1) Verbatim Record, p. 90.
 - (2) Ibid., p. 127.
 - (3) Ibid., p. 187.
 - (4) Ibid., p. 113.
 - (5) UN Doc. S/11717, para. 29.
 - (6) See para. 5 of the Resolution reproduced at Appendix VIII to this Report. The Resolution was adopted by 117 votes against none, with no abstention, Turkey voting for the resolution. The Turkish Foreign Minister, explaining his vote, stated that the refugee problem had both a political and a humanitarian aspect and was closely linked with the political solution of the Cyprus problem. See UN Doc. A/PV.2275 (provisional), at pp. 161 and 162.

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return to their homes in safety" and called upon the parties concerned "to undertake urgent measures to that end". The Security Council endorsed this Resolution on 13 December 1974 and requested the Secretary General to report on its implementation (1).

172. On 24 January 1975 the Secretary General asked the parties concerned to provide him with all relevant information concerning steps taken or contemplated by them. However, formal replies were only received from Cyprus and Greece (2). The Greek Government stated that their efforts to press for the implementation of the provision "that all refugees should return to their homes in safety" had been of no avail. In each case the Turkish side had replied that this question was a political one and should be solved within the framework of a political settlement (3).

173. On 13 February 1975 the UN Commission on Human Rights, referring to General Assembly Resolution 3212 (XXIX), also called upon all parties concerned to work towards the full restoration of human rights to the population of Cyprus and to undertake urgent measures for the return of all refugees to their homes in safety (4).

174. On 20 November 1975 the UN General Assembly reiterated its call upon the parties concerned to undertake urgent measures to facilitate the voluntary return of all refugees to their homes in safety, and to settle all other aspects of the refugee problem, and urged all parties to refrain from unilateral actions, in contravention of Resolution 3212, including changes in the demographic structure of Cyprus (5).

Turkey was the only State which voted against this Resolution (6). In the preceding general debate in the plenary of the General Assembly the representative of Turkey stated that troop withdrawal and refugee settlement could not be negotiated out of context; they were part of an overall solution that would have to be arrived at. He also denied the applicant Government's allegation that Turkey was changing the demographic composition of northern Cyprus by importing settlers from the Turkish mainland, and stated that she was only bringing in Turkish Cypriot labourers in order to meet a labour shortage; those workers had originally fled from Cyprus because of persecution (7).

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- (1) Cf Security Council Resolution 365 (1974).
 - (2) Cf UN Doc. S/11624, para. 11 and Annexes F and G.
 - (3) Ibid., Annex F, para. 2.
 - (4) Cf. Resolution 4 (XXXI) of the UN Commission on Human Rights (reproduced at Appendix XI to this Report).
 - (5) Resolution 3395 (XXX), paras. 4 and 6, reproduced at Appendix IX to this Report.
 - (6) Cf UN Doc. A/PV.2413 (provisional), at p. 73.
 - (7) Cf UN Monthly Chronicle, Vol. 12, No 11 (December 1975), p.16.

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175. On 27 February 1976 the UN Commission on Human Rights, expressing concern about the lack of progress in the implementation of its previous Resolution and the continuing plight of the displaced persons in Cyprus, urging all parties to refrain from unilateral changes in the demographic structure of Cyprus, adopted a Resolution along the same lines as the General Assembly Resolution of 20 November 1975 (1).

176. Apart from the above proceedings in the General Assembly and the Security Council, Turkish action in the United Nations concerning the return of displaced Greek Cypriots to the north of Cyprus included the transmission, for circulation as official UN documents, of relevant statements by representatives of the Turkish Cypriot community. Thus the Turkish Permanent Representative to the United Nations:

- transmitted a protest letter by the President of a Turkish Cypriot women's organisation against the Greek Cypriot women's march of 20 April 1975 (2), stating i.a. that after the denials of human rights suffered by Turkish Cypriots it was absolutely impossible for them to exist intermingled with the Greek Cypriots (3);
- transmitted in May 1975, shortly before the second round of the intercommunal talks in Vienna, a letter from Mr Denktash complaining that the applicant Government continued to use the refugee problem, which in fact existed on both sides, as a political tool against the Turkish side, making the return of the refugees a precondition of any political solution. In view of the political and security implications involved in the return of refugees this could only be regarded as an irresponsible and unrealistic approach (4);
- transmitted in June 1975 a further letter from Mr Denktash stating that the return of refugees was a matter to be settled within the framework of a final solution to the Cyprus problem (5).

177. The views of the Turkish Cypriot authorities on the question of the return of displaced Greek Cypriots to the north of Cyprus - views which are apparently supported by the Turkish Government - have been stated as follows in the proclamation of 13 February 1975 of a Turkish Federated State of Cyprus (6):

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- (1) Resolution 4 (XXXII) of the UN Commission on Human Rights reproduced at Appendix XII to this Report.
 - (2) Mentioned at para. 170.
 - (3) UN Doc. S/11679.
 - (4) UN Doc. S/11706.
 - (5) UN Doc. S/11718.
 - (6) See Part I, para. 17 of this Report. The text is reproduced in UN Doc. S/11624, Annex B.

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"The Council of Ministers and the Legislative Assembly of the Autonomous Turkish Cypriot Administration

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Have come to the conclusion that there is no possibility of their living together with the Greek Cypriot co-founders of the Republic of Cyprus;

Having come to the conclusion that the only way for bringing tranquillity, security and permanent peace to the island is for the two communities to live side by side in their respective region, developing their own internal structure"

178. The issue of the return of Greek Cypriot displaced persons to the north was apparently also included among the subjects of the political talks on the intercommunal level, in particular at the meetings in Vienna.

The communiqué issued at the end of the first round of the Vienna talks mentions that there was a detailed examination of the question of displaced persons and of the geographical aspects of a possible future settlement in Cyprus (1).

After the second round of the Vienna talks, the UN Secretary General observed that the deadlock over the fundamental basis of a settlement persisted, one of the principle difficulties being the difference of opinion on priorities to be given to the different aspects of a future settlement, one side wishing first to establish the powers and functions of the central government, the other wishing first to clarify the territorial aspects which had a vital bearing on the refugee problem (2).

A limited agreement was finally reached at the third round of the Vienna talks (31 July - 2 August 1975). It provided, in connection with an arrangement concerning permission for Turkish Cypriots in the south to go to the north, and for Greek Cypriots in the south to go to the north, and for Greek Cypriots in the north to stay or go to the south if they wanted to do so, that

"priority will be given to the reunification of families, which may also involve the transfer of a number of Greek Cypriots, at present in the south, to the north." (3)

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- (1) UN Doc. S/11634, Annex.
(2) UN Doc. S/11717, para. 66.
(3) Press communiqué issued in Vienna on 2 August 1975, UN Doc. S/11789, Annex, point 5. Cf Part I, para. 17, of this Report.

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A UN report of 13 September 1975 stated that by then 296 Greek Cypriots had been transferred to the north with UNFICYP assistance under this agreement, and that 14 more including 8 teachers were due to be moved on 16 September 1975 (1).

V. Separation of families brought
about by the displacement of Greek
Cypriots

179. There is evidence that the displacement of Greek Cypriots from their homes in the north of Cyprus led to the separation of many families.

180. During the refugee movement of Greek Cypriots provoked by the Turkish military action in the two phases of actual fighting in July and August 1974 a number of persons, mainly old people, invalids, women and children, were left behind by their families and became enclaved. This has been confirmed by some witnesses (including witness Kaniklides who stayed with his mother in Famagusta while other members of his family left) (2), persons interviewed in refugee camps (3) and in many written statements submitted by the applicant Government (4). A UN report also mentions this fact (5).

181. There is evidence that the displacement of Greek Cypriots within the north of Cyprus following the phases of actual fighting brought about further separations of families by the transfer of men and their families to different places of detention (6), or by the detention of men and the expulsion of their families across the demarcation line. This is confirmed by the testimony of witness Pirkettis who was a victim of such measures (7). It was also mentioned by other witnesses (8), persons interviewed in refugee camps (9) and in many written statements submitted by the applicant Government (10).

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- (1) UN Doc. S/11789/Add. 2, para. 4. Cf also the statement of witness Iacovou mentioned in para. 125 above, and similar statements by witnesses Stylianou, Verbatim Record p. 35, and Odysseos, Verbatim Record p. 101, about the limited scope of this agreement.
- (2) Verbatim Record, pp. 180-182.
- (3) Addendum, pp. 4, 5, 9.
- (4) E.g. Statements I, Nos 2, 11, 12, 15, 28, 29, 62, 63, 72.
- (5) UN Doc. S/11353/Add. 15, para. 8 a.
- (6) Cf Chapter 2 below, para. 314.
- (7) Verbatim Record, p. 44.
- (8) E.g. Witness Soulioti, Verbatim Record p. 4; witness Iacovou, *ibid.* p. 167.
- (9) Addendum, pp. 1-3, 7, 13.
- (10) E.g. Statements I, Nos 3, 21, 22, 23, 34, 46, 49, 62, 69.
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182. The transfer of detained Greek Cypriots to the south of Cyprus under the relevant intercommunal agreements apparently did not cause further separations of families on a large scale. The UN reported that Turkish Cypriot prisoners released under these agreements often opted to go north although their families still remained in Turkish Cypriot enclaves in the south (1), but nothing of the kind was stated with regard to Greek Cypriots, and it appears that the 20% of the Greek Cypriot prisoners and detainees who were eventually allowed to return to their homes in the north, mainly in the Karpasia area, joined their families there, while those who opted to go south also had their families in the south (2). The intercommunal agreements on the release of prisoners therefore seem to have led to the reunification of Greek Cypriot families rather than to their separation.

183. A number of Greek Cypriot families, however, was still separated after the negotiated transfers, and this situation was prolonged by the refusal to allow the return of Greek Cypriots to their homes in the north.

The problem was apparently discussed on the inter-communal level and some partial solutions were gradually reached, e.g. by the programme for the transfer of stranded children on both sides (3). An agreement on the reunification of families was finally concluded at the third round of the Vienna talks in July/August 1975 (4). However, even that agreement had only a limited effect. Some witnesses stated that the persons whom they actually allowed to return were selected by the Turks (5).

184. Witness Iacovou stated that after the agreement there were still separated families. Their number, however, could not be very big with only 10,000 enclaved Greek Cypriots in the north. It also depended on what one considered as a family unit. There was an enlarged family concept in Cyprus, and in his view also a larger family unit would probably suffer as a result of the separation. The witness was prepared to submit statistical material on the number of separated families and the degree of relationship of those separated (6).

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- (1) UN Doc. S/11568, para. 47.
 - (2) Cf the statements of witnesses Odysseos, Verbatim Record p. 101, and Iacovou, *ibid.* p. 165.
 - (3) Cf para. 161 above.
 - (4) Cf para. 178 above.
 - (5) Cf the statements of witnesses quoted in footnote (1) above.
 - (6) Verbatim Record, p. 171.

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D. Evaluation of the evidence obtained

I. General

185. Since it is common knowledge that the overwhelming majority of the Greek Cypriot population from the northern area has been displaced as a consequence of the Turkish military action in 1974 the Commission does not consider that specific evidence corroborating this is needed. As regards the number of persons affected, the Commission accepts as credible the figures mentioned by witness Iacovou, i.e. about 182,000 displaced Greek Cypriots in September 1975 (1).

II. Movement of persons provoked by the military action of Turkey

186. The Commission considers that the evidence before it shows that the vast majority of displaced Greek Cypriots left the north of Cyprus as a direct consequence of the military action of Turkey.

Many fled during the first phase of this operation from the areas where actual fighting took place, or from areas considered to be in danger of becoming the theatre of military operations. There then developed in the Greek Cypriot population a sentiment of fear and horror about the reported conduct of the Turkish troops - a sentiment convincingly described by witnesses Odysseos and Kaniklides who came from places as far apart as Morphou and Famagusta (2) - and, during the second phase of the military action, whole areas were evacuated by their Greek Cypriot residents before the Turkish army reached them (3).

187. The Commission has not included in its examination those some 20,000 refugees who only temporarily left their homes in the south near the demarcation line (4).

188. The Commission was not able to establish the exact figure of persons who fled. It assumed, however, that they were more than 170,000 since all other categories of displaced persons together make up only a few thousand out of the above-mentioned total of 182,000.

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- (1) Cf para. 104 above.
(2) Cf para. 110 above.
(3) Cf paras. 104, 105, 110, 112.
(4) Cf paras. 104, 105.

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III. Measures of displacement not directly connected with the Turkish military action in the phases of actual fighting

189. The Commission considers that the evidence before it establishes that a large number of Greek Cypriots who remained in the north of Cyprus after the arrival of the Turkish troops were uprooted from their normal surroundings and temporarily subjected to various measures of displacement.

(a) Eviction from houses and transportation to other places within the north of Cyprus

190. The range of these measures included the eviction of Greek Cypriots from houses including their own houses, the assembling of them at certain places, forcible excursions to other places where they were held for periods ranging from several hours to several days, and their transfer to prisons, detention centres or other detention places.

Such measures were not only described in a considerable number of individual statements, some of them corroborating each other, including statements made orally to the Commission's Delegation in Cyprus. They were also confirmed in reports of the United Nations and of the International Committee of the Red Cross which leave no doubt as to their correctness (1).

(b) Expulsion across the demarcation line

191. The Commission finds it established that there was an organised operation for the expulsion of the remaining civilian population of some villages in the Kyrenia district (Trimithi, Ayios Georgios, Karmi) to the south of Cyprus by driving them in buses to the green line at the Ledra Palace Hotel in Nicosia on 2 August 1974. Several persons gave the Commission's Delegation a detailed description of these events, which were also confirmed in written statements submitted to the Commission. Moreover, witness Soulioti saw the arrival of these expellees and arranged their accommodation, and a UN report based on UNFICYP sources apparently concerns the same events although no places or names are mentioned (2).

192. Taking into account its above finding, the Commission finds strong indications that the other group expulsions mentioned by witness Soulioti (3) also happened in the way described. This concerns in particular the alleged expulsion of persons from the Karpasia area in June 1975, which was also mentioned by a number of other witnesses. The Commission's

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- (1) Cf paras 117-122 above.
(2) Cf paras 123, 124, 126 above.
(3) Para. 124 above.

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Delegation saw a film of persons who stated that they were expelled in June 1975, and they were also given a copy of an official letter to the ICRC in Nicosia protesting against these expulsions. However, the Commission has been unable to establish whether applications for transfer to the south were made by a number of these persons and, if so, whether such applications were made voluntarily.

193. With regard to other group expulsions, especially those during the second phase of the Turkish military operation, the Commission disposes only of hearsay evidence.

(c) Negotiated transfer of prisoners and detainees, including those detained in Turkey

194. The fact that several thousand Greek Cypriot prisoners and detainees, including those detained in Turkey, became displaced as a consequence of their transfer and release to the south of Cyprus under the provisions of the Geneva Declaration and various intercommunal agreements is common knowledge (1).

195. The Commission has not fully investigated to which extent these persons had an option to return to their homes in the north of Cyprus. It observes that the permission for the return of 20% of the prisoners from Turkey to their homes in the north of Cyprus could only be achieved with difficulties, but one could assume in the circumstances that the remainder of this group of prisoners were persons who had actually opted for their release to the south (2). On the other hand it appears from the testimony of witness Perkettis that prisoners were not asked where they wanted to be released (3).

196. With regard to persons who had been detained in detention centres in the north of Cyprus, the Commission finds it established that they were virtually barred from returning to their homes in the north of Cyprus. Only very few of them were released in the north. This is recorded in public documents of the United Nations (4). Moreover, the statements made by the UNHCR and ICRC representatives at the intercommunal meeting of 7 February 1975 (5), the record of which the Commission accepts as correct, indicate that the will of these persons to remain in the areas under Turkish control was broken by the conditions imposed on them. Mr Zuger expressly stated, "They want to go south because they are not allowed to go back to their homes".

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- (1) Cf paras 137-142 above.
 - (2) Cf paras 154-156 above.
 - (3) Cf para. 157 above.
 - (4) Cf para. 144 above.
 - (5) Cf para. 133 above.

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In addition, some witnesses conveyed their impression that the detention centres were a special device for the evacuation of the Greek Cypriot population from the north of Cyprus (1). As a result of the non-participation by the respondent Government in the proceedings on the merits, the Commission has been unable further to investigate the purposes of those centres. It notes, however, that the detainees were eventually moved to the south on the basis of agreements concluded by the applicant Government with the Turkish Cypriot administration. In the light of the above the Commission finds a strong indication that evacuation of the Greek Cypriot population was a purpose of the detention centres.

197. The evidence before the Commission is clear as regards the circumstances of the displacement to the south of persons confined to the Kyrenia Dome Hotel (2). The Commission finds it established that the great majority of these persons were not allowed to return to their homes in Kyrenia. In this respect it accepts as credible the testimony of witness Charalambides, which is supported by UN documents. However, the UN reports do not state on what basis these persons were transferred to the south. The treatment of Dr Charalambides may be due to his prominent role as the only Greek Cypriot physician in the area and as former Deputy Mayor of Kyrenia. It cannot, therefore, be considered as representative.

(d) Negotiated transfer of medical cases and other persons on humanitarian grounds

198. Finally, the transfer to the south of medical cases and other persons for humanitarian reasons, whether on the basis of intercommunal agreements or individual arrangements, would appear to have been in the own interest of the persons concerned; indeed, it often happened upon their own request. The evidence before the Commission tends to show that the particular difficulty experienced by this category of persons was the removal of obstacles preventing their speedy transfer. The Commission, therefore, was unable to establish that their transfer, as such, was a forcible measure (3).

IV. The refusal to allow the return of refugees and expellees

199. It is common knowledge that the vast majority of Greek Cypriot displaced persons in the south of Cyprus have not returned to their homes in the north. While it may be that a

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- (1) Cf para. 132 above.
(2) Cf paras 148-149 above.
(3) Cf paras 159 et seq. and 198 above.

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number of these persons do not want to return to an area at present under Turkish Cypriot administration, the fact remains that they are physically prevented from even visiting their houses in the north, and that they are not allowed to return there permanently. This has been established by the relevant UN documents, including reports on the implementation of resolutions of the General Assembly and the Security Council calling for such return, and is confirmed by the direct evidence obtained by the Commission's Delegation in Cyprus (1).

V. Separation of Greek Cypriot families brought about by their displacement

200. The Commission finds it established that, by the measures of displacement affecting a large number of Greek Cypriots, a substantial number of families were separated for considerable periods of time ranging from several days to more than a year. The refusal to allow the return of Greek Cypriot refugees to their homes in the north of Cyprus prolonged this situation and the intercommunal agreement of August 1975 did not completely solve the problem (2). The Commission has not been able, in the course of its limited investigation (3), to establish the exact numbers of persons and families affected.

E. Responsibility of Turkey under the Convention

I. Movement of persons provoked by the military action of Turkey in the phases of actual fighting, and refusal to allow the return of refugees to the north of Cyprus

201. In its decision on the admissibility of the present applications the Commission examined the question whether the responsibility of Turkey was engaged because "persons or property in Cyprus have in the course of her military action come under her actual authority and responsibility at the material times". The Commission concluded that the armed forces of Turkey brought any other persons or property in Cyprus "within the jurisdiction" of Turkey, in the sense of Art. 1 of the Convention, "to the extent that they exercise control over such persons or property" (4).

202. The Commission has considered the question of the imputability to Turkey, under the Convention, of the movement of persons provoked by her military action (5). However it

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- (1) Cf paras 166-178 above.
 - (2) Cf paras 179-183 above.
 - (3) See Part I, para. 77 above.
 - (4) See Appendix I, para. 10 of The Law
 - (5) Cf paras 107 et seq. above.

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does not think it necessary or useful to answer this question, having regard to its finding, set out in the following paragraph as to the refusal to allow refugees to return to their homes in the northern area of Cyprus.

203. As regards this refusal, the evidence before the Commission shows that Turkey encouraged and actively supported the policy of the Turkish Cypriot administration not to allow the return of Greek Cypriot refugees to their homes in the north of Cyprus. This support was not limited to diplomatic action such as declarations against the return of Greek Cypriots to the north of Cyprus in the General Assembly of the United Nations (1), votes cast against resolutions calling for such return (2), and transmission of statements by representatives of the Turkish Cypriot community opposing such return (3). It also included the prevention, by the presence of her army in the north of Cyprus and the sealing off of the demarcation line by fortifications and minefields, of the physical possibility of the return of Greek Cypriot refugees to their homes in the north (4). The Commission considers that by these measures preventing their return to the north, Turkey exercised in effect a control which in this respect brought the said persons under her jurisdiction within the meaning of Art. 1 of the Convention as interpreted in the Commission's decision on admissibility. The refusal to allow the return of Greek Cypriot refugees to their homes in the north of Cyprus must therefore be imputed to Turkey under the Convention.

II. Measures of displacement not directly connected with the Turkish military action in the phases of actual fighting

(a) Measures of displacement within the northern area of Cyprus and expulsion across the demarcation line

204. The Commission finds it established that Turkish troops actively participated in the following measures of displacement (5):

- eviction of Greek Cypriots from houses including their own homes in the north of Cyprus;
- transportation of Greek Cypriots to other places within the territory controlled by the Turkish army, including various detention places;
- expulsion of Greek Cypriots across the demarcation line; and
- removal to the south brought about by living conditions in the north (6).

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- (1) Cf paras 171-175 above.
 - (2) Cf para. 174 above.
 - (3) Cf para. 176 above.
 - (4) Cf para. 168 above.
 - (5) Cf paras. 190-193 above.
 - (6) Cf para. 196 above.

These measures were carried out while the persons concerned were under the actual control of the Turkish armed forces and hence within the jurisdiction of Turkey in the meaning of Art. 1 of the Convention as interpreted in the Commission's above decision. The displacement of Greek Cypriots from their homes, which was the result of these measures, must therefore be imputed to Turkey under the Convention.

(b) Negotiated transfer of persons to the area controlled by the applicant Government, and refusal to allow their return to the north of Cyprus

205. The Commission has considered the question of the imputability to Turkey of the negotiated transfer of persons to the south of Cyprus (1). However, it does not think it necessary or useful to answer this question, having regard to its finding as to the refusal to allow transferred persons to return to their homes in the northern area.

As regards this refusal, the situation of persons transferred to the south of Cyprus under the various inter-communal agreements is the same as that of refugees; the refusal to allow the return of transferred persons to their homes in the north of Cyprus must be imputed to Turkey on the same grounds as the refusal to allow the return of refugees (2).

III. Separation of families

206. The separation of Greek Cypriot families resulting from measures of displacement imputable to Turkey under the Convention, for the reasons set out above, must be imputed to Turkey on the same grounds. It follows that the continued separation of families resulting from the refusal to allow the return of Greek Cypriot refugees to their homes and family members in the north must be imputed to Turkey as well as the separation of families brought about by expulsions of certain family members across the demarcation line or by transfers of members of the same family to different places of detention (3).

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- (1) Cf paras 194-197 above. See also para. 204 in fine.
(2) See para. 203 above.
(3) Cf para. 200 above.

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F. Conclusions

I. General

207. The Commission has examined the complaints concerning the displacement of Greek Cypriots under Art. 8 of the Convention (1). It notes that Protocol No. 4 concerning such rights as inter alia the right to liberty of movement and choice of residence has not been ratified by the Parties. In any case, Art. 8 is not affected by the Protocol.

II. Movement of persons provoked by the military action of Turkey in the phases of actual fighting and refusal to allow the return of refugees

208. As stated above (2), the Commission did not express an opinion as to the imputability to Turkey under the Convention of the refugee movement of Greek Cypriots caused by the Turkish military action in the phases of actual fighting. Since in any case the refusal to allow the return of those refugees to their homes in the north of Cyprus must be imputed to Turkey, the Commission also limits its conclusion to this aspect of the matter.

The Commission considers that the prevention of the physical possibility of the return of Greek Cypriot refugees to their homes in the north of Cyprus amounts to an infringement, imputable to Turkey, of their right to respect of their homes as guaranteed in Art. 8 (1) of the Convention. This infringement cannot be justified on any ground under para. (2) of this Article.

The Commission concludes by 13 votes against one that, by the refusal to allow the return of more than 170,000 Greek Cypriot refugees to their homes in the north of Cyprus, Turkey did not act, and was continuing not to act (3), in conformity with Art. 8 of the Convention in all these cases.

III. Measures of displacement not directly connected with the Turkish military action in the phases of actual fighting

(a) Measures of displacement within the north of Cyprus and expulsions across the demarcation line

209. The Commission considers that the evictions of Greek Cypriots from houses, including their own homes, which are imputable to Turkey under the Convention, amount to an

(1) For text, see para. 100 above.

(2) See para. 202.

(3) As of 18 May 1976 (see para. 5 above).

interference with rights guaranteed under Art. 8, para. (1) of the Convention, namely the right of these persons to respect for their home, and/or their right to respect for private life. The Commission further considers that the transportation of Greek Cypriots to other places, in particular the forcible excursions within the territory controlled by the Turkish army, and the deportation of Greek Cypriots to the demarcation line, which are equally imputable to Turkey under the Convention, also constitute an interference with their private life. However, in so far as the displacement of Greek Cypriots within the north of Cyprus was a necessary corollary of their detention, it must, together with that detention, be examined in Chapter 2 (deprivation of liberty).

The above interferences by the Turkish army in the north of Cyprus with rights guaranteed under Art. 8, para. (1) cannot be justified on any ground under para. (2) of Art. 8.

The Commission concludes, by 12 votes against one, that by the eviction of Greek Cypriots from houses, including their own homes, by their transportation to other places within the north of Cyprus, or by their deportation across the demarcation line, Turkey has committed acts not in conformity with the right to respect for the home guaranteed in Art. 8 of the Convention.

- (b) Negotiated transfer of persons to the area controlled by the applicant Government, and refusal to allow their return to their homes in the north of Cyprus

210. As stated above (1), the Commission did not express an opinion as to the imputability to Turkey under the Convention of the transfers of Greek Cypriots to the south of Cyprus under various intercommunal agreements. Since in any case the refusal to allow the return of these persons to their homes in the north of Cyprus must be imputed to Turkey, the Commission limits its conclusion to this aspect of the matter.

The Commission considers that the prevention of the physical possibility of the return of these Greek Cypriots to their homes in the north of Cyprus amounts to an infringement of their right to respect of their homes as guaranteed in Art. 8 (1) of the Convention. This infringement cannot be justified on any ground under para. (2) of this Article.

(1) See para. 205.

The Commission concludes, by 13 votes against one, that, by the refusal to allow the return to their homes in the north of Cyprus to several thousand Greek Cypriots who had been transferred to the south under intercommunal agreements, Turkey did not act, and was continuing not to act (1) in conformity with Art. 8 of the Convention in all these cases.

IV. Separation of families

211. The Commission finds that the separation of families brought about by measures of displacement imputable to Turkey under the Convention (2) are interferences with the right of the persons concerned to respect for their family life as guaranteed by Art. 8 (1) of the Convention. These interferences cannot be justified on any ground under para. (2) of this Article.

The Commission concludes by 14 votes against one with one abstention that, by the separation of Greek Cypriot families brought about by measures of displacement in a substantial number of cases, Turkey has again not acted in conformity with her obligations under Art. 8 of the Convention.

V. Reservation concerning Art. 15 of the Convention

212. The Commission reserves for consideration in Part III of this Report the question whether any of the above interferences with rights protected by Art. 8 were justified as emergency measures under Art. 15 of the Convention.

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- (1) As of 18 May 1976 (see para. 5 above).
(2) Cf paras 179 et seq., 200 and 206 above.

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Chapter 3 - Deprivation of life

A. Submissions of the Parties

I. Applicant Government

315. The applicant Government submitted that mass killings of civilians who were unconnected with any war activities was a systematic course of action followed by the Turkish army: not only unarmed soldiers, who had surrendered, but also civilians, including children between 6 months and eleven years, women and old men up to the age of 90, even paralysed cripples, mentally retarded and blind people, had been killed. Hundreds of killings of Greek Cypriots by Turkish forces had been reported by eye-witnesses (1). The acts complained of included killings of persons who had attempted to visit areas under Turkish military control in order to collect their belongings from their homes (2).

316. The Government also feared that a large proportion of the Greek Cypriots who had last been seen in the Turkish occupied area and were still unaccounted for (at least 3,000, a considerable number being civilians) were victims of such killings (3). There was evidence showing that such persons had fallen into the hands of the Turkish army but the Turkish authorities denied any knowledge about them (4). The category of missing persons assumed to have been killed by Turkish forces included persons arrested by such forces when going near to the Turkish controlled area or strayed into it, insofar as no particulars as to their fate had subsequently been given by the Turkish authorities (5).

II. Respondent Government

317. The respondent Government, who for the reasons stated above (6) did not participate in the proceedings on the merits, have not made any statement with regard to the above allegations.

B. Relevant Article of the Convention

318. The facts alleged by the applicant Government raise issues under Art. 2 of the Convention which states as follows:

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- (1) Particulars I, p. 8.
 - (2) Particulars II, p. 4.
 - (3) Particulars I, p. 8.
 - (4) Particulars II, p. 5.
 - (5) Ibid. p. 4.
 - (6) See Part I, para. 23.

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"1. Everyone's right to life shall be protected by law. No one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law.

2. Deprivation of life shall not be regarded as inflicted in contravention of this Article when it results from the use of force which is no more than absolutely necessary:

- (a) in defence of any person from unlawful violence;
- (b) in order to effect a lawful arrest or to prevent the escape of a person lawfully detained;
- (c) in action lawfully taken for the purpose of quelling a riot or insurrection."

C. Evidence obtained

I. Evidence of killings

319. The Commission has already stated (1) that it had to restrict its investigation of the violations alleged in the present case. As regards evidence of killings the Delegates, during the period fixed for the hearing of witnesses in Cyprus, heard eye-witnesses only concerning the incident in the Elia neighbourhood. Evidence on this killing of twelve male civilians in the presence of the families of some of them on 21 July 1974 was given by Mr. and Mrs. Efthymiou (2) and Mrs. Kyprianou (3).

320. Mrs. Kyprianou stated that in this killing she lost her husband, her father, two brothers-in-law and an uncle. She and a group of co-villagers were made prisoners by Turkish soldiers when they tried to reach the mountains fleeing from bombardment. All arrested men were civilians wearing civilian clothes. The Turkish soldiers told them that they were to wait for the orders of their officer who would decide on their fate. When the officer arrived he seemed to be in an angry mood and ordered the soldiers to lie down, which they did, loading their rifles. Another soldier, whom she described as a "good man", intervened and the Turkish soldiers discussed for half an hour. Then they separated the men from the women and, in front of the women, they started shooting at the men killing twelve of them. Some of the men were holding children while being shot and three of these children were wounded (4).

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- (1) See Part I, para 77
 - (2) Verbatim Record, pp. 203-222. The Efthymiou couple are the authors of Statements I, Nos. 60 and 82.
 - (3) Verbatim Record, p. 197.
 - (4) Verbatim Record, pp. 198-201.

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321. Mrs. Kyprianou's statement was fully corroborated by the evidence given by Mr. and Mrs. Efthymiou, Mr. Efthymiou having been the only man who escaped the shooting of the group of civilians. They stated that the daughter of the Efthymiou couple was wounded when Mr. Efthymiou's father, who was holding the child, was shot (1). This incident is also described in written statements submitted as evidence (2).

322. Two further cases of group killings are reported in two written statements of persons who affirm to have been eye-witnesses and whose names and addresses can be disclosed by the applicant Government. According to the first statement five men (two shepherds aged 60 and 70 respectively, two masons aged 20 and 60, and one plumber aged 19) were killed by Turks at Trimithi (3). According to the second statement 30 Greek Cypriot soldiers, who were held as prisoners at Palekythron, were killed by Turkish soldiers (4).

323. In addition witness Stylianou, Chairman of the Pancyprian Committee of Enclaved Persons, spoke of mass killings in Palekythro and indicated names and addresses of persons who, according to him, had been eye-witnesses (5).

Two of these incidents concerned executions of soldiers of the National Guard who had surrendered to the advancing Turkish troops. The incidents were reported to the witness by soldiers who escaped the shooting. In each case 30 - 40 soldiers were shot. In the second case the soldiers who had surrendered were transferred to the kilns of the village where they were shot dead and burnt in order not to leave details of what had happened.

Another incident reported by Mr. Stylianou was the killing of seventeen members of two neighbouring families including ten women and five children aged between two and nine years. Mr. Stylianou also submitted a document which he identified as the English translation of a written statement made by a boy of sixteen years who survived this killing (6).

324. The last mentioned incident was also reported by Mrs. Soulioti (7) and further mentioned in handwritten notes which witness Dr. Hadjikakou submitted as part of his evidence (8).

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- (1) Verbatim Record, p. 214.
 - (2) Statements I, Nos. 20, 59.
 - (3) Statements I, No. 5. See also No. 32.
 - (4) Statements I, No. 48. See also No. 219.
 - (5) Verbatim Record, pp. 29-31.
 - (6) Addendum, pp. 33-35.
 - (7) Verbatim Record, pp. 19-20.
 - (8) Addendum, p. 41.

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Dr. Hadjidakou recorded cases of ill-treatment, rapes and killings related to him by patients who were either victims or eye-witnesses of the incidents and whose addresses could be obtained from him. As regards the above killing of seventeen civilians at Palekythron, Dr. Hadjidakou noted the name of a person who found the bodies in a yard.

325. Further killings described in Dr. Hadjidakou's notes were, inter alia,

- the execution by Turkish soldiers of eight civilians taken prisoners in the area of Prastio one day after the ceasefire on 16 August 1974 (1);
- the killing of several civilians by Turkish soldiers at Ashia (2);
- the killing by Turkish soldiers of five unarmed Greek Cypriot soldiers who had sought refuge in a house at Voni (3);
- the shooting of four women, one of whom survived pretending that she was dead (4).

326. Further killings were reported by witness Soulioti, President of the Cyprus Red Cross Society, and by Mr. Pirkettis, both of whom indicated names of persons stated to have been eye-witnesses (5).

327. Some of the persons interviewed in the refugee camps also reported killings:

- "Witness" B stated that Turkish troops killed many in her village. "They went into the houses and killed people." (6)
- "Witness" D of Palekythron said that about 18 persons of his village were shot, but he was not present when this happened (7).
- "Witness" E said that Turks shot a shepherd (8).
- "Witness" F stated that Turks took her husband and her son-in-law to a river bank and shot them (9).

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- (1) Addendum, p. 39.
 - (2) Addendum, pp. 41-42.
 - (3) Addendum, p. 43.
 - (4) Addendum, p. 44.
 - (5) Verbatim Record, pp. 17-21 and p. 50.
 - (6) Addendum, p. 4.
 - (7) Addendum, p. 10.
 - (8) Addendum, p. 11.
 - (9) Addendum, p. 12.

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328. The Commission finally notes that, apart from the written statements mentioned in para. 3 above, a great number of further written statements were submitted in support of both applications, describing killings of civilians in homes, streets or fields (1), as well as the killing of persons who were under arrest or in detention (2). Many of these statements were by alleged eye-witnesses (3), and most of the others from persons who described how they found relatives, friends, co-villagers killed. Eight statements described the killing of soldiers not in combat (4). Five statements referred to a mass grave found in Dherynia (5).

329. All these written statements were taken by witness Hadji-oizou (6) or on his instructions by other police officers.

II. Evidence concerning missing persons

1. Information provided by Cypriot organisations dealing with problems of missing persons

330. The applicant Government submitted a file, prepared by the "Pancyprian Committee of Parents and Relatives of Undeclared Prisoners and Missing Persons" and dated August 1975 containing "a selection of facts and other evidence relating to undeclared Greek-Cypriot prisoners-of-war and missing persons". At Annex A of this file, the names and other details of 2,197 persons declared to be missing are given. The file also contains:

- data concerning missing students;
- photos of Greek Cypriots taken prisoner by the Turkish army. Some of the prisoners are identified and declared to be missing. Most of these photos were published in newspapers, including the "Special News Bulletin" issued by the Turkish Cypriot authorities on 4 September 1974 and the Turkish Magazine "Hayat" of 19 September 1974;
- a list of "persons who spoke from 'Bayrak' (Turkish radio station) and (are) still missing";
- statements about the arrest, by Turkish soldiers and Turkish Cypriots, of persons declared to be missing.

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- (1) Statements I, Nos. 1-4, 15, 16, 21, 32-38, 41, 43, 45, 54, 55, 58, 62, 71, 80, 86, 92, 96, 98, 99, 102-105, 111, 113, 119, 120 and Statements II, Nos. 10, 11, 13.
 - (2) Statements II, Nos. 9, 19.
 - (3) Statements I, Nos. 35, 40, 46, 49, 50, 56, 57, 59, 72, 86, 87, 91, 94, 122 and Statements II, Nos. 2, 4, 5, 7, 15.
 - (4) Statements I, Nos. 41, 45, 48, 64, 70, 80, 103, 119.
 - (5) Statements II, Nos. 6-10.
 - (6) Verbatim Record, pp. 58-71.

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331. Mrs. Soulioti, Chairman of the Cyprus Red Cross Society, stated before the Commission's Delegation on 2 September 1975 that two thousand five hundred persons were reported missing. She was afraid that a majority of them had been killed, taking into account the reports on killings given to Red Cross officers on the telephone by persons who were in the Turkish-occupied area at the second phase of the Turkish military action (1).

332. Mr. Stylianou, Chairman of the Pancyprian Committee of Enclaved Persons, stated that his committee listed two thousand and some hundreds of cases of missing persons (2).

2. Proceedings in the United Nations

333. A report by the Secretary-General to the Security Council of the United Nations of 5 August 1974 (3) stated that UNFICYP had established a special office to deal with the problem of missing persons. About 800 persons, including both Greek Cypriots and Turkish Cypriots, had then been reported missing, some 300 missing persons had been located.

334. At the inter-communal talks in Vienna in 1975 both sides repeatedly affirmed that they were not holding any undeclared prisoners-of-war or other detainees and agreed mutually to extend full facilities for searches in response to information given by the other side (4).

335. On 9 December 1975 the United Nations General Assembly adopted Resolution 3450 (XXX) on missing persons in Cyprus (5).

336. It appears from the Report of the Third Committee (6) that the draft of the above resolution, introduced by the representative of Cyprus on 12 November 1975, contained the following phrase in the third preambular paragraph:

"Gravely concerned about the fate of over 2,000 Cypriots who are missing as a result of armed conflict in Cyprus," (7)

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- (1) Verbatim Record p. 17.
 - (2) Verbatim Record p. 31.
 - (3) S/11353/Add. 15 (at p. 3, para. 9).
 - (4) U.N. Security Council Doc. S/11684, Annex (Press Communiqué of 3 May 1975), and Doc. S/11789, Annex (Press communiqué of 2 August 1975).
 - (5) Reproduced at Appendix XI.
 - (6) Doc. A/10284/Add. 1.
 - (7) Loc. cit. p. 17.

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337. The representative of Turkey, on 14 November 1974, proposed that this paragraph should read as follows (1):

"Deeply concerned about the fate of missing persons as a result of violence and conflict in Cyprus";

The representative of Cyprus, at the same meeting, revised his draft and proposed to say:

"Gravely concerned about the fate of a considerable number of Cypriots who are missing as a result of armed conflict in Cyprus;" (2)

338. On 19 November 1975 the Committee rejected the Turkish amendment by 26 votes against 20, with 73 abstentions, and adopted the draft resolution, in its revised form, by 98 votes against one (Turkey) and with 21 abstentions (3).

3. Other evidence

339. Several of the refugees heard by delegates stated that relatives or co-villagers were missing (4).

340. Dr. Hadjikakou, in his handwritten notes, mentioned reports concerning cases of persons who were taken away by Turks and had not been heard of since (5). Inter alia, some villagers of Ashia, who were ordered to bury co-villagers outside the village, never returned (6).

341. Witness Pirkettis stated that when he left the detention camp in Amasya/Turkey about 20 people were held back but he thought they were released afterwards (7).

342. Witnesses Soulioti, Hadjiloizou, Dr. Hadjikakou and Anastasiou all said that due to the lack of co-operation by the Turkish side no investigation by Greek Cypriot organs, e.g. identification of dead bodies found in mass graves or elsewhere, had been possible in the Turkish-occupied area (8).

(1) Loc. cit. p. 18.

(2) Ibid.

(3) For details of these votes see loc. cit. pp. 18-19 and 22-23.

(4) Addendum pp. 2, 4, 13.

(5) Addendum p. 41.

(6) Addendum, p. 42.

(7) Verbatim Record, p. 56.

(8) Verbatim Record, pp. 10, 65, 106, 152.

D. Evaluation of the evidence obtained

I. Evidence of killings

343. As regards the killing of twelve civilians near Elia (1), the Commission notes that the three eye-witnesses, although personally affected by the incident, gave evidence in a disciplined, calm and precise manner. Their statements were not contradictory and their elaborate and detailed account of the incident is credible in itself. The Commission is satisfied that their testimony was true and correct.

344. The testimony received from witness Stylianou on the killing of seventeen civilians at Palekythro (2) is corroborated by the evidence given by Dr. Hadjikakou and by a person interviewed in a refugee camp (Witness D). The knowledge of Mr. Stylianou and Dr. Hadjikakou was based on hearsay but they proposed to indicate the names and addresses of eye-witnesses.

345. The refugees who gave evidence on killings had been chosen at random and had no time to prepare their statements. They all appeared to be honest and trustworthy and the Commission finds no reason to doubt the correctness of their statements.

346. The written statements submitted about other killings have for the reasons already stated (3) not been further investigated. However, together with the above evidence and that given by Mrs. Soulioti, they constitute strong indications of killings committed on a substantial scale.

II. Evidence on missing persons

347. The evidence before the Commission (4) does not allow a definite finding with regard to the fate of Greek Cypriots declared to be missing. This is partly due to the fact that the Commission's Delegation was refused access to the northern part of Cyprus and to places in Turkey where Greek Cypriot prisoners were or had been detainee ..

348. In the present Report the Commission is only concerned with the fate of persons declared to be missing as from the beginning of the military action of Turkey on 20 July 1974. It is not concerned with any person missing due to the coup d'état which on 15 July 1974 preceded the above action.

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- (1) See paras. 319-321 above.
 - (2) See para. 323 above.
 - (3) See paras. 77 and 319 above.
 - (4) See paras. 330-342 above.

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349. It appears, however, from the evidence that:

- it is widely accepted that "a considerable number of Cypriots" are still "missing as a result of armed conflict in Cyprus" (1); i.e. between Turkey and Cyprus;
- a number of persons declared to be missing have been identified as Greek Cypriots taken prisoner by the Turkish army (2).

E. Responsibility of Turkey under the Convention

I. Killings

350. The evidence shows that killings were committed near Elis by Turkish soldiers acting under the order of an officer (3).

It further appears that the victims were, at the material time, under the "actual authority and responsibility" of Turkey, in the sense of the Commission's decision on the admissibility of the present applications (4). These killings are therefore imputable to Turkey under the Convention.

In the other cases (5) Turkish soldiers were also described as being responsible.

II. Missing persons

351. The Commission considers that there is a presumption of Turkish responsibility for the fate of persons shown to have been in Turkish custody. However, on the basis of the material before it, the Commission has been unable to ascertain whether, and under what circumstances, Greek Cypriot prisoners declared to be missing have been deprived of their life (6).

F. Conclusion

352. Art. 2 (1), second sentence of the Convention, provides that no one shall be deprived of his life intentionally save in the execution of a sentence of a court following his conviction of a crime for which this penalty is provided by law. Para. (2) of the Article contains further exceptions as regards deprivation of life in three categories of cases.

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- (1) Cf. paras. 335-338 above.
 - (2) Cf. para. 330 above.
 - (3) See paras. 319-321 above.
 - (4) See Appendix I, para. 10 of The Law.
 - (5) See paras. 322-324 above.
 - (6) See Chapter 2, para. 306 above.

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353. The Commission, by 14 votes against one, considers that the evidence before it constitutes very strong indications of violations of Art. 2 (1) of the Convention by Turkey in a substantial number of cases. The Commission points out that it restricted the taking of evidence to a hearing of a limited number of representative witnesses and that the Delegates, during the period fixed for the hearing of witnesses, heard eye-witnesses only concerning the incident of Elia. The evidence obtained for this incident establishes the killing of twelve civilians near Elia by Turkish soldiers commanded by an officer contrary to Art. 2 (1).

354. In view of the very detailed material before it on other killings alleged by the applicant Government, the Commission, by 14 votes against one, draws the conclusion from the whole evidence that killings happened on a larger scale than in Elia.

355. There is nothing to show that any of these deprivations of life were justified under paras. (1) or (2) of Art. 2.

356. The question whether any of the above acts were "deaths resulting from lawful acts of war", within the meaning of Art. 15 (2) of the Convention, is reserved for consideration in Part III of this Report.

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Chapter 4 - Ill-treatment

357. The applicant Government's complaints of ill-treatment will be considered under the following sub-headings:

- allegations of rape;
- conditions of detention;
- other forms of physical aggression of persons not in detention.

A. Allegations of rape

I. Submissions of the Parties

(1) Applicant Government

358. The applicant Government complained of "wholesale and repeated rapes of women of all ages from 12 to 71, sometimes to such an extent that the victims suffered haemorrhages or became mental wrecks. In some areas, enforced prostitution was practised, all women and girls of a village being collected and put into separate rooms in empty houses, where they were raped repeatedly by the Turkish troops." In certain cases "members of the same family were repeatedly raped, some of them in front of their own children. In other cases women were brutally raped in public. Rapes were on many occasions accompanied by brutalities such as violent biting of the victims to the extent of severe wounding, hitting their heads on the floor and wringing their throats almost to the point of suffocation." In some cases "attempts to rape were followed by the stabbing or killing of the victim. Victims of rape included pregnant and mentally retarded women." (1)

(2) Respondent Government

359. The respondent Government, who for the reasons stated above (2) did not participate in the proceedings on the merits, have not made any statement with regard to the above allegations.

II. Relevant Article of the Convention

360. The facts alleged raise issues under Art. 3 of the Convention, which provides:

"No one shall be subjected to torture or to inhuman or degrading treatment or punishment."

III. Evidence obtained

361. The evidence concerning allegations of rape is voluminous.

(1) Particulars I pp 8-9.

(2) See Part I, para. 23.

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Direct evidence was obtained through the testimony of Drs. Charalambides and Hadjikakou, who testified that they examined victims of such rapes.

362. Dr. Charalambides stated before the Delegation:

"As a doctor they brought me a few cases that they were raped but they did not want people to know about it because they were young girls and when the raped girls asked if they could use my services as a gynaecologist - because I am a gynaecologist too, for the Kyrenia area - the Turkish administration refused. So all these cases were brought through the Red Cross to Nicosia."

He confirmed that in those cases which he examined he was medically satisfied that rape had taken place (1).

363. Witness Dr. Hadjikakou also stated that he had to treat victims of rape and that in about 70 cases his examinations allowed the medical finding that rape had in fact taken place.

364. Dr. Hadjikakou, in his handwritten notes submitted as part of his evidence, mentioned the following incidents of rape which had been brought to his attention (2):

- A mentally-retarded girl aged 24 was raped in her house by 20 soldiers one after the other. When she started screaming they threw her from the second floor window. She sustained fracture dislocation of the spine and became paralysed. Dr. Hadjikakou treated her for spinal injury.
- One day after their arrival at Voni Turks took girls to a nearby house and raped them.
- One girl of Palekythrou who was held with others in a house was taken out at gunpoint and raped.
- At Tanvu Turkish soldiers tried to rape a 17 year old schoolgirl. She resisted and was shot dead.
- A woman of Gypson mentioned to him that 25 girls were kept by Turks at Marathovouno as prostitutes.
- Another woman saw several girls being raped.
- A woman of Voni was raped on three occasions by four persons each time. She became pregnant.

(1) Verbatim Record, p. 8.

(2) Addendum to the Verbatim Record, pp. 39, 41.

365. The Delegation also heard evidence from eye-witnesses. Mrs. Kyprianou gave evidence that after the killing described above (1) the Turkish soldiers took a young girl and raped her (2). This statement was corroborated by Mrs. Efthymiou (3).

One of the persons interviewed in refugee camps (Witness E) stated that he had seen the rape of three women by Turkish soldiers at Ayios Georgios. He further reported that at Marathovouno many girls were raped; he and his family had heard their cries (4).

366. A further witness stated that his wife had been raped in front of his children (5).

367. Reference has also been made before the Delegation to several cases of abortion, at the British base, of women who had been victims of rapes by Turkish soldiers (6).

368. Hearsay witnesses of rapes were Mrs. Soulioti, Mr. Hadjiloizou (7) Mr. Odysseos (8), and Mr. Stylianou (9).

Mr. Stylianou spoke of a case of 25 girls who, having been raped, complained to Turkish officers and were then raped by these officers. The witness offered the name of one of the victims in this case and said that the victim was prepared to testify before the Delegation. In addition he mentioned the case of a 50 year old woman who was raped by 10 soldiers in her fields and had to be hospitalised in Kyrenia (10).

(1) See above, Chapter 3, Deprivation of Life, para. 520.

(2) Verbatim Record, p. 199.

(3) Verbatim Record, p. 220.

(4) Addendum p. 11.

(5) Verbatim Record, p. 57.

(6) Verbatim Record, p. 34.

(7) Verbatim Record, p. 71.

(8) Verbatim Record, p. 93.

(9) Mr. Soulioti and Mr. Stylianou indicated names of eye-witnesses and victims: Verbatim Record, pp. 19 and 34.

(10) Verbatim Record, pp. 33-34.

Mrs. Soulioti stated that:

- in August 1974, while the telephone system was still working, the Red Cross Society received telephone calls from Palokythrou and Kaponti (west of Kyrenia) reporting rapes (1);
- a man (whose name was stated) reported his wife had been stabbed in the neck whilst resisting rape and his granddaughter aged six had been stabbed and killed by Turkish soldiers attempting the rape (2);
- a girl of 15½ years who had been raped, was delivered to the Red Cross (3);
- the witness had to take care of 38 women released from the Voni and Gypsou camps, all of whom had been raped, some of them in front of their husbands and their children; others had been raped repeatedly, or put in houses frequented by Turkish soldiers. The women were taken to Akrotiri hospital in the sovereign base where they were treated. Three of them were found to be pregnant (4).

369. The Delegation also saw a filmed interview of five girls who stated that they were victims of rape.

370. Finally, written statements of 41 alleged victims of rape (5), of four alleged eye-witnesses of rape (6), and of 24 hearsay witnesses of rape (7) have been submitted. These statements were taken by witness Hadjiloizou (8), or other police officers under his instructions, and the names and addresses of the authors of the statements can be obtained from the applicant Government. These statements include reports of repeated rapes by one or several Turkish soldiers (9), rapes in front of close relatives (10), rapes

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- (1) Verbatim Record, p. 18.
 - (2) Verbatim Record, p. 19.
 - (3) Verbatim Record, p. 21.
 - (4) Verbatim Record, p. 26.
 - (5) Statements I, Nos. 11, 12, 13, 15, 16-19, 21-29, 59, 61, 65, 100-108, 110, 111, 113-115, 117, 118, 120-122, Statements II, Nos. 5, 11.
 - (6) Statements I, Nos. 14, 75, 82, 97.
 - (7) Statements I, Nos. 1, 15, 20, 24, 41, 45, 60, 70-72, 76, 81, 85, 92, 94, 98, 99, 109, 119; Statements II, Nos. 2, 8, 9, 13, 14.
 - (8) Verbatim Record, pp. 58-71.
 - (9) Statements I, Nos. 12, 15, 17, 18, 21, 103, 108, 111, 113-115, 118, 120 (victim raped by seven Turks), 121, 122; Statements II, No. 11.
 - (10) Statements I, Nos. 11, 13 and 118.

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committed by Turkish army officers (1) enforced prostitution (2), and the rape of a five months pregnant woman (3).

IV. Evaluation of the evidence obtained

371. The Delegation noted that the two medical witnesses, Drs. Hadjidakou and Charalambides, endeavoured to be precise and to avoid any exaggeration. Their statements were corroborated by the other witnesses, in particular Mr. Kyprianou, Mr. Efthymiou and Witness E, and by the great number of written statements submitted. The Commission is therefore satisfied that the oral evidence obtained on this item is correct.

372. The written statements submitted have, for the reasons already stated (4), not been further investigated. However, together with the above evidence, they constitute further strong indications of rapes committed on a large scale.

V. Responsibility of Turkey under the Convention

373. The evidence shows that rapes were committed by Turkish soldiers and at least in two cases even by Turkish officers, and this not only in some isolated cases of indiscipline. It has not been shown that the Turkish authorities took adequate measures to prevent this happening or that they generally took any disciplinary measures following such incidents. The Commission therefore considers that the non-prevention of the said acts is imputable to Turkey under the Convention.

VI. Conclusion

374. The Commission, by 12 votes against one, finds that the incidents of rape described in the above cases and regarded as established constitute "inhuman treatment" in the sense of Art. 3 of the Convention, which is imputable to Turkey.

B. Conditions of detention

I. Physical ill-treatment

(1) Submission of the Parties

(a) Applicant Government

375. The applicant Government alleged that hundreds of persons including children, women and elderly people were the victims of systematic tortures and savage and humiliating treatment

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- (1) Statements I, Nos. 105, 111.
 - (2) Statements I, Nos. 106, 107, 111.
 - (3) Statements I, No. 61.
 - (4) See paras. 77 and 319 above.

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during their detention by the Turkish army. They were beaten, sometimes to the extent of being incapacitated. Many of them were subjected to tortures such as whipping, breaking of their teeth, knocking their heads on the wall, beating with electrified clubs, extinction of cigarettes on their skin, jumping and stepping on their chests and hands, pouring dirty liquids on them, piercing them with bayonets etc. Many of them were ill-treated to such an extent that they became mental and physical wrecks (1).

376. Among the persons so treated were those deported to Turkey and kept as prisoners there. Most of them were civilians of all ages from 16 to 70. During their transportation and detention these persons were savagely ill-treated. They were wounded, beaten, kicked, whipped, blindfolded, handfettered, punched to the extent of bleeding, etc.(2).

377. The brutalities complained of reached their climax after the cease-fire agreements and the relevant resolutions of the U.N. Security Council. In fact most of the acts described were committed at a time when Turkish armed forces were not engaged in any war activities. More than 1,000 statements obtained from alleged victims or witnesses described the ill-treatment. They show a pattern of behaviour of the Turkish forces which proves that the atrocities were part of the tactics which the invading forces were to follow. Their object was to destroy and eradicate the Greek population of the Turkish occupied areas, to move therein Turks and thus create a Turkish populated area (3).

378. Some elderly people, women and children who hid out of fear to avoid expulsion from their homes were rounded up by the Turkish army and placed in concentration camps, the main ones being in Voni, Marathovouno, Vitsada and Gypsou, where the inhumanity of the treatment accorded to them defied the imagination(4).

(b) Respondent Government

379. The respondent Government, who for the reasons indicated above (5) did not participate in the proceedings on the merits, have not, apart from the statement mentioned above (6), made any submissions with regard to the above allegations.

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- (1) Particulars I, p. 16.
 - (2) Ibid.
 - (3) Ibid., pp. 18-19.
 - (4) Ibid., p. 20.
 - (5) See Part I, para. 23.
 - (6) See Part I, para. 40 in fine.

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(2) Relevant Article of the Convention

380. The applicant Government's allegations raise issues under Art. 3 of the Convention.

(3) Evidence obtained

381. The main witness who was heard by the Delegation with regard to the allegations of ill-treatment in detention is Mr. Pirkettis, a 37-year-old school teacher (1), who had been deported to Adana.

He stated that he and his fellow detainees were repeatedly beaten after their arrest, on their way to Adana, in the Adana prison and later in the camp at Amasya to where he was transferred.

382. Relevant passages of his statements were as follows:

- with regard to the period after his arrest in Cyprus:
"they blindfolded us again, they put us in some buses, they began beating us - it was the first time we were beaten very bad on the heads with guns, with the barrel of the gun, or with the other side of the gun, with their fists and kicking us, and there is something else: they took our shoes from us at that time and made us walk through the fields which were full of thorns, thistles ... We were ... being beaten all the time" (2).
- with regard to the transport on the ship to Turkey:
"Then we were taken to the ship, that was another moment of terrible beating again ... We were tied all the time ... I lost the sense of touch. I could not feel anything for about two or three months ... Every time we asked for water or spoke we were being beaten " (3).
- with regard to the arrival at Adana:
"... then one by one they led us to prisons, through a long corridor ... Going through that corridor was another terrible experience. There were about 100 soldiers from both sides, with sticks, clubs and with their fists beating every one of us, while going to the other end of the corridor. I was beaten at least 50 times, until I reached the other end, and kicked" (4).

(1) Verbatim Record, pp. 40 et seq.

(2) Verbatim Record, p. 44.

(3) Verbatim Record, p. 45.

(4) Verbatim Record, p. 46.

- with regard to detention at Adana:

"... anybody who said he would like to see the doctor, he was beaten ... Beating was on the agenda every day. I would not say it was organised beating but it was always there especially by soldiers, sometimes some officers (1). There were one or two very good, very nice people, but they were afraid to show their kindness as they told us" (2)

- with regard to his transfer to Amasia:

"We were loaded again in trucks and taken to the railway station. There were many soldiers there, many policemen, and too many people, and they began spitting on us, cursing, and when we were obliged to pass before them they kicked us, they kept beating us and so on ..." (3)

- with regard to the detention at Amasia:

"... we were all the time ill-treated again". (4)

383. The witness also stated that:

- co-detainees, whose names he indicated, had been ill-treated. For example, at Amasia, a man of 27 was kicked in the mouth and lost several teeth and his lower jaw came off in pieces. Another man was hit on his chest with an iron lock by a Turkish soldier and his whole chest became black and he was aching for a week (5);
- a Turkish officer who was, according to another Turkish soldier, a karate student did his exercises by hitting every prisoner;
- another prisoner told him that on two or three occasions two or three prisoners were hung by the feet over the hole of a water closet for hours (6);
- a man, whose name was indicated by the witness had shown him his back injured by a second lieutenant who used to prick all prisoners with a pin whenever he found a chance when the prisoners were taken into the yard (7).

- (1) Verbatim Record, p. 47.
- (2) Verbatim Record, p. 47.
- (3) Verbatim Record, p. 47.
- (4) Verbatim Record, p. 49.
- (5) Verbatim Record, p. 49.
- (6) Verbatim Record, p. 50.
- (7) Verbatim Record, p. 50.

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384. Mr. Pirkettis' evidence was to a great extent corroborated by Dr. Hadjikakou who stated that those deported persons who came back from Adana were all in an emaciated condition and on nine occasions he found signs of wounds (1). Dr. Hadjikakou further reported of cases of ill-treatment in camps in Cyprus and added that he could produce his records because the victims whom he had examined had authorised him to use these records (2). He gave the following general description of conditions in detention at Pavlides garage, Seral prison and Adana as reported to him by former detainees (3):

"They were kept there for several days, some for months, without blankets and were being kept awake all night by purposeful noise-making. Their food at the beginning and for several weeks consisted of one-eighth of a loaf of bread daily with some olives occasionally. There were two buckets of water and two mugs which were never cleaned, from which about 1,000 people had to drink. The toilets were filthy with faeces rising over the basins, and floors were covered with faeces and urine. The latest stories were of people tied up blindfolded taken to Kyrenia to be shipped to Turkey, but for some unknown reason brought back the following day. They were not untied all this time and they all urinated and defecated on themselves. When they were eventually untied they had no water to wash their faces of their clothes and they had to wipe them on the walls and the floor. Those that were sent to Turkey were placed in the hull of a Turkish ship without being untied. Some shiploads were untied, but some were taken tied all the way. They were asking for water and they gave them cupfuls of sea-water. On arrival at the prisons in Turkey they were made to walk and run through the corridor, run the lines by Turkish soldiers to beat them, sometimes with whips, sometimes with the butts of their guns. They were then taken to the yard where some had their shoes taken off them, their pockets and their money. In the prison at Adana they were kept 76 in a cell. They were kept in their cell for 10 days; others for two or three weeks before they were eventually allowed to go into the yard. They were issued with three towels for 76 prisoners and one block of soap per eight persons per month to wash themselves and their clothes. There is a fully corroborated story of a prison doctor at Adana who used to beat up all the prisoners that reported to him. One night they took him a patient with retention of urine and he kicked him downstairs."

- (1) Verbatim Record, pp. 108 and 109.
- (2) Verbatim Record, p. 110.
- (3) Verbatim Record, p. 108.

385. As regards individual cases, Dr. Hadjikakou, inter alia, described the fate of two civilians. One had to amputate his toes with a blade in consequence of ill-treatment. This man was caught in Achna when he went to his village to collect some things from his house. He and another man caught at the same place were beaten up with hard objects. When he asked for water he was given a glass full of urine. His toes were then stepped on until they became blue, swollen and subsequently gangrenous. The smell was so bad that he had to cut the toes with a razor blade. The other man underwent the same treatment and when he was taken to Kanellos Hospital in Nicosia he agreed to have his legs amputated, but did not survive the operation (1). Further details are given in the handwritten notes which Dr. Hadjikakou submitted as part of his evidence (2).

386. Mrs. Soulioti gave the following description of the conditions in the detention centres as reported to her (3):

"The people who were put in these churches, schools or houses all together were guarded by soldiers; they were not allowed to leave even the premises in which they actually happened to be put. They were kept in terribly overcrowded conditions. In fact, described as lying one on top of the other. They had no mattresses or even blankets to lie on. There were no sanitary facilities, especially as the water had been cut off and they had to drink water from the wells which were sometimes polluted. Old people were crowded in with young children including babies. In an ordinary size room, for instance, there were about - according to one statement - seventy-six women, children and babies; according to another, a hundred and fifty in one of the rooms in the school. The food they had, particularly at the beginning, was all that remained in the houses where they happened to be. According to the statements, the men were beaten up regularly for no apparent reason, most of them were old men."

As regards Greek-Cypriots who were detained in Turkey Mrs. Soulioti stated that she was present when the prisoners were released. "They came in a very bad state, with the clothes falling off them, they had not had a bath since they had been taken, and some of them were limping and said that they had been badly beaten." (4).

- (1) Verbatim Record, p. 110-111.
- (2) Addendum, p. 38.
- (3) Verbatim Record, pp. 8-9.
- (4) Verbatim Record, p. 23.

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387. Mr. Stylianou described the reported treatment of enclaved Greek Cypriots as follows (1):

"After the second Turkish attack in August 1974 we had about 15,000 Greek Cypriots enclaved in the Turkish-occupied areas. The conditions under which they lived were in several cases and in several areas tragic, owing to the fact that in several areas hundreds of enclaved were beaten and dozens were executed, many of them were ill-treated; Greeks were also ill-treated. They have cut off their ears in some cases like the case of Palekythro and Trahoni ..."

Mr. Odysseos, referring to statements in his possession, described the conditions of Greek Cypriots enclaved in the Morphou School Building:

"All these people were taken in, about 600 of them and they were, let us say, accommodated in a few rooms, about six in one room, nine in another room, 15 in another room; in this small house there were about 60 people. No blankets at the beginning; they had to sleep either on the pupils' desks or on the cement; no food at all. They were not allowed to take even a single thing of their belongings. They were under confinement and Turkish soldiers were guarding all along, day and night; no light during night time. If they wanted to go to the toilet, which was about 50 yards away from the building, they had to ask permission; they were accompanied but definitely not during night time; they were never allowed out during night time. We had it from statements, and especially from this woman (name stated), who by that time had fits every now and then, and diarrhea; she was forced to stay in the same room where people were living to ease herself."

"There was no washing at all. They could not have a bath, wash themselves, and this (name stated) who stayed there about two months in this school building, in her statement to me says she was with the same clothing all along for the whole period of two months. If I can describe the condition myself I would say what I saw people whom I knew very well - they were neighbours well known to me - they were wrecks, psychologically they were wrecks." (2)

388. Five refugees (witnesses B, C, D, H and K), who were interviewed by Delegates in refugee camps, stated that they were either victims or eye-witnesses of beatings in detention centres (3).

389. Several written statements describe beatings of detainees at Voni (4), Palekythro (5), Marathovouno (6), Vitsada (7). There is also one statement according to which no ill-treatment took place at Voni (8). On 13 May 1975 the applicant Government submitted a further seven statements described as being by one civilian and six soldiers taken as prisoners to Turkey who complain of physical ill-treatment and inadequate food supply.

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- (1) Verbatim Record, p. 29.
 - (2) Verbatim Record, pp. 93, 94.
 - (3) Addendum, pp. 5 (Voni camp), 7, 9, 14 (Voni camp) and 15.
 - (4) Statements I, Nos. 47, 89, 100, 105, 107.
 - (5) Statements I, No. 48.
 - (6) Statements I, No. 75.
 - (7) Statements I, Nos. 114, 116.
 - (8) Statements I, No. 12.

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(4) Evaluation of the evidence obtained

390. The Commission, considering the personal reliability of the witnesses heard, and the fact that their statements to some extent corroborate each other, finds these statements consistent and credible. It especially accepted after careful examination the evidence given by Mr. Pirkettis, whom it considers honest and sincere.

391. It is true that among the written statements submitted by the applicant Government there is one according to which the conditions of detention at Adana were at one time rather satisfactory (1). However, Mr. Pirkettis stated that there were rooms in the prison which he never saw and which were probably supervised by other officers (2). This would explain the divergence between his testimony and the written statement in question. Mr. Pirkettis himself also mentioned that among the prison personnel some behaved in a friendly manner and disapproved of the ill-treatment of prisoners. It is therefore not in contradiction to his testimony if persons who were held prisoner at other places in Adana report to have been - at least after their arrival - correctly treated. Moreover, Mr. Pirkettis' descriptions of the beating in the corridor on arrival at Adana is fully confirmed by the statement in question (3), and the Commission further notes that in the written statements submitted the living conditions of Greek Cypriot detainees in Turkey were generally described as horrible (4) or the description was similar to that given by Mr. Pirkettis (5).

392. The written statements submitted have, for the reasons already stated (6), not been further investigated. However, together with the above evidence, they constitute further strong indications of physical ill-treatment of prisoners.

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- (1) Statements I, No. 35.
 - (2) Verbatim Record, p. 55.
 - (3) And also Statements I, Nos. 36, 37, 77, 83.
 - (4) Statements I, No. 92.
 - (5) Statements I, Nos. 93, 96.
 - (6) See paras. 77 and 319 above.

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The Commission, therefore, accepts their testimony as proving beyond reasonable doubt that looting and robbery on an extensive scale, by Turkish troops and Turkish Cypriots have taken place.

IV. Destruction of property

481. The credible testimony of witnesses Charalambides and Kanihlides is further supported by the evidence given by persons interviewed in the refugee camps and by a great number of written statements submitted. The Commission is therefore satisfied that destruction of property has taken place in many cases (1).

482. The evidence concerning the uprooting of a dried out orange orchard, the effort to burn down all the buildings along the green line in Nicosia, and the destruction of consumer goods, as mentioned by witnesses Odysseos, Tryfon and Azinas respectively, constitutes strong indications of the measures described (2).

E. Responsibility of Turkey under the Convention

483. The Commission has already found that the refusal to allow the return of Greek Cypriot refugees and expellees to the north of Cyprus (3) must be imputed to Turkey under the Convention. It now considers that the consequent interference with the peaceful enjoyment by Greek Cypriots of their movable and immovable possessions in the north must equally be imputed to Turkey.

484. The evidence further showed that the taking of houses and land, looting and robbery, and destruction of certain property were effectuated by the Turkish forces. These acts must therefore be imputed to Turkey.

485. As regards such deprivations of possessions by Turkish Cypriots, the Commission considers that, insofar as the persons committing them were acting under the direct orders or authority of the Turkish forces of which there is evidence, the deprivation must equally be imputed to Turkey under the Convention.

F. Conclusion

486. The Commission, by 12 votes against one, finds it established that there has been deprivation of possessions of Greek Cypriots on a large scale, the exact extent of which could not be determined. This deprivation must be imputed to Turkey under the Convention and it has not been shown that

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- (1) Cf. paras. 467-470.
 - (2) Cf. para. 469.
 - (3) Cf. Chapter 1, para. 108.

that some people passed out (1). At Adana anybody who asked to be allowed to see the doctor was beaten. "If they said they had a belly ache they would be beaten in the bolly and so on"(2). At Amasya food was very little and very bad (3).

399. Dr Hadjikakou reported that prisoners who were taken to Turkey were given sea water when they asked for something to drink (4). In the detainee camps in Cyprus the food supply was very bad (5). He mentioned the case of a man detained in one of the detention centres and who was hit with the butt of a gun. His shoulder was dislocated but he was not taken to a doctor (6).

400. Witnesses Soulioti and Odysseos likewise reported that food supply and medical treatment in the detention centres was inadequate or not existing (7).

401. Written statements submitted by the applicant Government describe withholding of Red Cross and UN food supplies (8), and withholding of, or insufficient supply of food (9), or medicaments generally (10).

(4) Evaluation of the evidence obtained

402. The Commission accepts as credible, for the reasons stated above (11), the evidence of the witnesses Pirkettis and Hadjikakou concerning the treatment of prisoners who were deported to Turkey. The testimony of these witnesses establishes that, in a number of cases, such prisoners were, for varying periods, not given sufficient food supply and that, in some cases, adequate medical treatment was not made available.

403. The Delegates, during the period fixed for the hearing of witnesses, could not investigate all incidents described in the written statements mentioned. However, together with the above oral evidence, these statements constitute strong indications of withholding of food and water, and of medical treatment, in a number of cases.

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- (1) Verbatim Record, p. 46.
 - (2) Verbatim Record, p. 47.
 - (3) Verbatim Record, p. 50.
 - (4) Verbatim Record, p. 108.
 - (5) Verbatim Record, p. 108.
 - (6) Verbatim Record, p. 110.
 - (7) Verbatim Record, pp. 9 and 95.
 - (8) Statements I, Nos. 104, 105, 116.
 - (9) Statements I, Nos. 36, 41, 51, 52, 65, 68, 69, 80, 81, 95.
 - (10) Statements I, Nos. 92, 95.
 - (11) See paras. 348-349 above.

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(5) Responsibility of Turkey under the Convention

404. The conditions of detention of Greek Cypriot prisoners held at Adana and of detainees in the northern area of Cyprus, with the exception of the detention centres Pavlides Garage and Saray prison (1), must be imputed to Turkey under the Convention as all these persons were arrested by and in custody of the Turkish army.

(6) Conclusion

405. The Commission, by 12 votes against one, concludes that the withholding of an adequate supply of food and drinking water and of adequate medical treatment, in the cases referred to above and considered as established, constitutes in the conditions described "inhuman treatment" in the sense of Art. 3 of the Convention which must be imputed to Turkey.

C. Other forms of physical aggression
on persons not in detention

I. Submissions of the Parties

(1) Applicant Government

406. Apart from the specific forms of ill-treatment dealt with under A and B of this Chapter, the applicant Government alleged generally that Greek Cypriots in the Turkish occupied area were subjected to inhuman treatment by Turkish soldiers.

(2) Respondent Government

407. The respondent Government, who for the reasons stated above (2) did not participate in the proceedings on the merits, have not made any statements with regard to this allegation.

II. Relevant Article of the Convention

408. The applicant Government's allegations raise issues under Art. 3 of the Convention.

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- (1) See Chapter 2, paras. 308, 309 above.
(2) See Part I, para. 23.

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III. Observations on the evidence obtained

409. The oral evidence obtained by the Commission's Delegation with regard to ill-treatment concerned only cases of detained persons.

The applicant Government have submitted several written statements of persons not in detention who were allegedly beaten by Turkish soldiers (1). However, the Delegates, during the period fixed for the hearing of witnesses, could not investigate the allegations on ill-treatment of persons not in detention.

IV. Conclusion

410. The Commission, by 12 votes against one, therefore limits its conclusion to the finding that the written statements submitted by the applicant Government constitute indications of ill-treatment by Turkish soldiers of persons not in detention.

(1) Statements I, Nos. 28, 40, 56 and 100.

Chapter 5 - Deprivation of possessions

A. Submissions of the Parties

I. Submissions of the applicant Government

411. The applicant Government submitted that Greek Cypriots in northern Cyprus had been deprived of their possessions by:

- (a) the occupation by the Turkish forces of that area, where thousands of houses and acres of land, enterprises and industries belonging to Greek Cypriots existed;
- (b) the eviction of the Greek population from those possessions;
- (c) the detention of the remaining Greek population; and
- (d) further measures of the Turkish authorities, as described in relevant official statements of the respondent Government (1).

412. In support of this submission the applicant Government filed documentary evidence containing descriptions of many forms of deprivation of possessions signed by or attributed to named alleged victims. These statements relate to loss of farms, sheep and livestock, dwelling houses, agricultural, commercial and industrial enterprises, hotels and other property by persons displaced, brought about either by eviction or by seizure of moveable property and its subsequent removal by the Turkish soldiers, or by conditions arising that abandonment of home and property was the only course.

413. Details of these submissions were as follows:

(1) Immovable property

(a) Houses and land

414. The applicant Government submitted that all the privately owned land and houses belonging to Greek Cypriots in the Turkish occupied areas had come under the full control of the invading army and that most of them had already been distributed to Turkish Cypriots and Turks brought from Turkey in order to settle in those areas (2).

(1) Particulars I.

(2) Ibid., p. 12.

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415. The applicant Government repeatedly stressed that the Greek Cypriots who had been expelled from their homes and land by the Turkish army were still being prevented from returning to their possessions and that the Turkish authorities continued to expel the remaining Greek Cypriots from their possessions (1).

They further alleged that the distribution of Greek Cypriot properties had been intensified and organised in a systematic way.

(b) Agricultural, commercial and industrial enterprises

416. The applicant Government referred to the seizure and appropriation by the invading army of enterprises and industries belonging to Greek Cypriots who had been expelled and had not been allowed to return to their property. They stated that the industries which were now being operated under Turkish control included meat preparations and dairy industries, export oriented canning plants in Famagusta and Morphou, grain milling and biscuit factories, the major olive oil and vegetable oil plants, carob, kibbling and fodder factories, textile, footwear and clothing units, almost all brick and mosaic plants, the entire lime producing plants, the only steel pipes plant, the plastics industry in Famagusta and the Nicosia industrial estate, an important concentration of industry (2).

417. They submitted that the Turkish Government through various official statements had made it clear that all the agricultural produce in the Turkish occupied areas, whether belonging to Greeks or not, was taken control of and exploited by the Turkish authorities. In this connection Mr. Ziya Muezzinoglu, the Turkish Permanent Representative to the European Economic Community, was reported to have stated in October 1974 that the supervision of cultivation and irrigation of the citrus groves in the occupied areas was being carried out by experts from Turkey, who had made arrangements for the taking of the fruit, and that an agreement had been reached with cooperative organisations in Turkey on marketing arrangements (3).

418. The applicant Government stated that industrial units belonging to Greek Cypriots in the Turkish occupied areas had been taken over by two large Turkish organisations which had put them into operation with the help of technical personnel from Turkey. Several factories had been reopened and were being operated in Zodia, Morphou, Famagusta, Yialousa and Nicosia (4).

- (1) Application II and Particulars II, p. 8, and in the telex communications of 26 June, 2 July, 22 October 1975 & 10 May 1976.
- (2) Particulars I, pp. 12-14.
- (3) Ibid. p. 11.
- (4) Particulars II, p. 8.

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(c) Tourist industries

419. The applicant Government stated (1) that all operational hotel units in the Turkish occupied areas, a total of 66 hotels with 8,368 beds, belonged to Greek Cypriots. Many other Greek Cypriot owned tourist installations like apartments and restaurants were situated within the occupied area, in particular in the towns of Kyrenia and Famagusta. In the Government's opinion the fact that on 1 October 1974 an agreement had been signed for the setting up of a Tourism Company with the participation of Turkish and Turkish Cypriot Banks and Finance Companies, with the aim of exploiting these hotels and tourist installations in the Turkish occupied areas, showed the Turkish appropriation of the Greek Cypriot tourist industries, all worth millions of pounds.

420. The Government further alleged that after the signing of the agreement Mr. Bener, the Director-General of the Turkish Pensioners Savings Bank, one of the share-holders of the said Company, had said that tourist installations and hotels in Kyrenia were expected to be ready for tourists by the "Kurban Bairam", i.e. towards the end of December 1974. The Turkish Prime Minister had announced in October 1974 that it was planned to send about 2,000 persons from Turkey to provide the necessary personnel for the operation of the said tourist installations before the winter season and that it was also planned to transfer the management of the hotels to the Turkish Tourism Bank and other Turkish enterprises.

421. The applicant Government mentioned hotels which, according to the Government, were operated by Turks. The Turkish Minister of Tourism was reported to have said on 16 May 1975 that he had no hope of getting any income from Cyprus during the 1975 tourist season (2).

(2) Movable property

(a) Looting

422. Looting of houses and business premises belonging to Greek Cypriots was described by the applicant Government as being part of a systematic course of action followed by the Turkish army in all Turkish occupied areas (3). Even the properties of Greek Cypriots who had remained in the Turkish-occupied areas were said not to have escaped this fate.

(1) Particulars I, pp. 12-14.

(2) Particulars II p. 8.

(3) Particulars I, p. 10, Particulars II, p. 6; telex communications of 26 June 1975 (systematic looting in Famagusta) and 10 May 1976.

The loot was said to have been loaded on Turkish army vehicles and buses seized from Greek Cypriots, while a substantial part of the loot, including vehicles, animals, household goods, building equipment, etc. had been transported by Turkish naval vessels to the mainland.

423. A Turkish Cypriot member of the "House of Representatives" had observed that it had been the purpose of the "peaceful operation" of the Turkish forces to secure the rights and freedoms of the Turkish Cypriot community, and not to permit looting and profiting which had been continuing for months.

424. The applicant Government also submitted that Greek Cypriot inhabitants of the Karpasia area and other Greek villages in the Turkish occupied areas had been expelled and that the looting of their homes by Turkish soldiers had started in their presence while they were sitting in vehicles awaiting to be driven south (1).

(b) Robbery

425. The applicant Government complained of robbery of agricultural produce, livestock, housing units, stocks in stores, in factories and ships owned by Greek Cypriots, as well as of jewellery and other valuables including money found on Greek Cypriots who had been arrested and detained by the Turkish army. They submitted numerous statements supporting these allegations and alleged that generally all goods left in warehouses, fields, factories, houses and shops belonging to Greek Cypriots and worth many millions of pounds had been seized and appropriated by the Turkish army and that nothing had been returned or paid to the owners thereof. They complained in particular of the taking of carrots, citrus, carobs, tobacco and other agricultural products from the Turkish occupied areas and belonging to Greek Cypriots which had been collected and transported by Turkish vessels to markets in several European countries (2).

426. A sale of a great number of vehicles of Greek Cypriots to Turkish Cypriots was reported to have taken place in the port of Famagusta on 12 February 1975.

(1) Telex communication of 2 July 1975.

(2) Particulars I, p. 10.

(3) Particulars II, p. 7. Telex communication of 10 May 1976.

427. The applicant Government further submitted that flocks of many Greek Cypriots, arrested when coming close to the Turkish controlled areas, were confiscated by Turkish forces without any payment or compensation. It was estimated that 48,000 pigs, 280,000 sheep and goats, 1,400,000 poultry and about 12,000 cattle worth eleven million pounds and belonging to Greek Cypriots were cut off in the occupied areas and appropriated by the Turkish authorities. Their Greek Cypriot owners were not allowed to feed them and, when trying to do so, were killed or captured by the Turkish army (1).

428. Greek Cypriot inhabitants of the Turkish occupied areas were told by the Turkish military authorities that citrus fruits and other agricultural products belonging to Greek Cypriots should be considered as the property of the Turkish military authorities.

429. The applicant Government also complained of the taking of yachts and fishing boats belonging to Greek Cypriots which, according to the Government were listed by the Turkish military authorities for sale by public auction to Turkish Cypriots (2).

(3) Destruction of movable and immovable property

430. The applicant Government alleged that many shops and warehouses, as well as orchards and lemon gardens belonging to Greek Cypriots were set on fire by the Turkish army, at a time when no military activities were carried out. Household equipment, clothing and medical equipment were broken, destroyed or burnt. The destruction included the smashing and setting on fire of icons, other religious items and church equipment in Greek Orthodox churches some of which were converted into mosques (3).

431. Hundreds of thousands of animals were left unattended by their Greek owners who were obliged by the invading army to leave their villages. The animals fell into the hands of the Turkish army and hundreds were shot dead or died because of lack of food and veterinary care (4).

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- (1) Particulars I, p. 10.
 - (2) Telex communication of 26 June 1975.
 - (3) Particulars I, pp. 17-18, and II, p. 12. In this connection the applicant Government submitted also a newspaper article published in "The Guardian" of 6 May 1976.
 - (4) Particulars I, p. 18, and Particulars II, p. 12.

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II. Submissions of the respondent Government

432. The respondent Government who, for the reasons stated above (1), did not participate in the proceedings on the merits, have not made any statements with regard to the above allegations.

B. Relevant Article of the Convention

433. The Commission considers that the above-mentioned allegations concerning deprivation of possessions raise issues under Art. 1 of Protocol No. 1 which reads as follows:

"Every natural or legal person is entitled to the peaceful enjoyment of his possessions. No one shall be deprived of his possessions except in the public interest and subject to the conditions provided for by law and by the general principles of international law.

The preceding provisions shall not, however, in any way impair the right of a State to enforce such laws as it deems necessary to control the use of property in accordance with the general interest or to secure the payment of taxes or other contributions or penalties."

C. Evidence obtained

434. The fact that the overwhelming majority of the Greek Cypriot population was displaced from the northern area of Cyprus where it left behind movable and immovable possessions, and that it is not allowed to return thereto, has been discussed in Chapter 1 above.

435. However, specific evidence as to events directly or indirectly affecting the state in which these possessions were left was obtained from numerous sources by the Commission: i.a. testimonies of witnesses heard by the Delegation or of persons interviewed in refugee camps, statements of alleged eye-witnesses submitted by the applicant Government and by witnesses at the hearing, published statements of the Turkish authorities and United Nations documents.

I. Immovable property

1. Houses and land

436. Several witnesses mentioned the occupation of homes and land distributed amongst or just taken by Turkish Cypriots, Turkish soldiers (2) or Turks brought from the mainland (3).

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- (1) See Part I, para. 23.
 - (2) Mrs. Soulioti, Verbatim Record p. 12; Mr. Stylianou, *ibid.*, pp. 33, 35; Mr. Charalambides, *ibid.*, pp. 77, 78, 82; Mr. Odysseos, *ibid.*, pp. 97, 99, 100; Mr. Tryfon, *ibid.*, pp. 136, 141.
 - (3) Mr. Soulioti, Verbatim Record, p. 12, Mr. Stylianou, Verbatim Record, p. 35 and Mr. Tryfon, Verbatim Record, p. 141. Statements I, No. 39.

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437. In particular, Mr. Charalambides, the former Deputy Mayor of Kyrenia, stated that he saw houses belonging to Greek Cypriots, who had sought refuge in the Dome Hotel in Kyrenia, occupied by Turkish Cypriots from Limmasol and that the Turkish Administration set up a so-called "Office for Housing" for the distribution of houses left behind by Greek Cypriots. He further mentioned the taking over of a house by the (Turkish) army and of a hotel by the "navy people" (1). Witness Andronikou also mentioned the occupation of some hotels by the Turkish forces (2). This evidence was corroborated by the statements of alleged eye-witnesses submitted by the applicant Government (3).

438. Mr. Tryfon, Chairman of the Cyprus Land and Property Owners Association, stated that 48,611 houses of Greek Cypriots worth about 250 million pounds were taken over by the Turkish army (4). He submitted statements of persons from i.a. Lapithos, Ayios Georgios, Kyrenia, Morphon and Karavas who were said to have been eye-witnesses of the distribution and/or occupation of their houses by Turkish Cypriots and Turks from the mainland (5). He further referred to publications stating that families of Turkish soldiers who had fought in Cyprus were allowed to settle there (6).

2. Agricultural, commercial and industrial enterprises

439. Mr. Savvides, President of the Cyprus Chamber of Commerce and Industry, described the loss of agricultural, commercial and industrial enterprises and gave an estimation of their value (7).

He stated that this information had been supplied by members of the Cyprus Chamber of Commerce and Industry who had sent reports and figures of the damage suffered by them as a result of the invasion (8).

440. According to this witness many agricultural complexes, e.g. citrus groves, tobacco plantations etc. were inaccessible to their Greek owners and in Turkish hands, the products were confiscated and exported from Cyprus without the authority of the owners and of the Cyprus Government (9).

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- (1) Mr. Charalambides, Verbatim Record, pp. 77, 78, 82.
 - (2) Verbatim Record p. 129.
 - (3) Statements I, Nos. 39 and 73.
 - (4) Verbatim Record, p. 136.
 - (5) Addendum, pp. 90-94; Statements II, Nos. 3, 17 and 20; Statements I, No. 67.
 - (6) Verbatim Record pp. 140/141. See also the testimonies of witnesses Iacovou (Verbatim Record p. 166) and Odysseos (Verbatim Record 97, 99).
 - (7) Verbatim Record, pp. 115-117.
 - (8) Ibid. p. 115.
 - (9) Ibid., p. 116.

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441. The witness referred to an extract from the Reuter Fruit Report No. 9008 of 18 October 1974 stating that Turkish exports of citrus fruit and especially lemons as officially estimated and declared by Turkey had increased from 30,000 tons in 1973-74 to 80,000 in 1974-75. In his opinion such increase in (Turkish) production within a year was impossible (Turkish Cypriots owned less than 5% of the citrus groves); the difference represented approximately the production of Cyprus (1).

442. According to this witness Mr. Muezzinoğlu, the Turkish Permanent Representative to the European Economic Community, who had headed the Turkish Co-ordination Committee for Cyprus, had stated that two State Farms were being set up in the north of Cyprus with the aim of looking after the livestock which were then gathered in temporary pens (2).

443. As to industries and commerce, Mr. Savvides stated that all installations, buildings, plants and machineries had been taken over by the invasion forces and that some of them were working with Turkish participation and control (3).

He also spoke of considerable losses by all major financial institutions, e.g. banks, etc. (4).

444. Witness Azinas, the Commissioner for Co-operative Development, stated that 238 co-operatives existed in the occupied area and submitted a list containing the losses suffered in value consisting of i.e. cash, cheques, bonds or other valuables, goods in stock, vehicles, furniture. These figures were based on declarations by the managing directors of the said co-operatives (5). He further stated that the Turkish forces had obliged some employees of the Turkish Co-operative movement to divide and rent Greek-owned plantations in the Morphou area to Turkish Cypriots and some of the premises of the co-operatives had been used by order of the local Turkish military people and by Turkish Cypriots, like the Morphou Citrus Owners Organisation.

3. Tourist industries

445. Mr. Andronikou, Director General of the Cyprus Tourism Organisation, gave evidence with regard to the losses suffered by tourist industries in the north belonging to Greek Cypriots. He submitted schedules indicating the numbers of operational hotels, hotels under construction, hotel apartments and other tourist accommodation and establishments which, according to the witness, were worth more than 100 million pounds (6).

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- (1) Ibid., p. 118 and Addendum, pp. 48 and 49.
 - (2) Special News Bulletin No. 29.33 of 17 October 1974:
See Addendum, p. 46.
 - (3) Addendum, p. 116.
 - (4) Ibid., p. 119.
 - (5) Ibid., pp. 223 and 224; Addendum, p. 98.
 - (6) Verbatim Record, p. 124; Addendum, pp. 51-68.

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446. He also stated that a number of hotels and other tourist establishments had been occupied by Turkish armed forces and used by them either as military headquarters or for allied purposes (1).

447. As to the putting into operation of such establishments, Mr. Andronikou said that statements made by officials of the Turkish Ministry of Tourism showed that the actual operation and management of these establishments were carried out by them (2):

448. When questioned by the Delegation whether there was any indication in the said statements that Turkish organisations had assumed the actual ownership of the hotels, or whether the reference was always to mere operation of hotels, Mr. Andronikou replied that there was no statement that they had taken over the ownership. According to him there was evidence that they were operating, managing and keeping the revenue therefrom, as if the properties concerned were their own (3).

449. Amongst a number of newspaper articles in the Turkish press concerning tourism in the northern area and submitted by Mr. Andronikou (4) one article reported that Dr. Evliyaoglu, Under-Secretary for Tourism and Information of the Turkish Ministry of Tourism and Chairman of the Turkish Cypriot Tourism Enterprises Ltd., had stated i.a. that his enterprise had been established by a decision of the Turkish Council of Ministers (5).

450. Another report mentioned that all the hotels and tourist installations which were under the control of the Autonomous Turkish Cypriot Administration would be transferred to the above-mentioned enterprise (6).

451. A further press report quoted the Turkish Prime Minister as having declared i.a. that he was working on a plan to transfer the management of the hotels to the Turkish Tourism Bank and to other Turkish businessmen (7).

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- (1) Verbatim Record, p. 127.
 - (2) Ibid., p. 131.
 - (3) Ibid., pp. 129, 131-132.
 - (4) Addendum, pp. 69-80.
 - (5) Addendum, p. 74. See also the Statement by Mr. Andronikou, Verbatim Record, p. 130.
 - (6) Addendum, p. 69.
 - (7) Ibid., p. 70.

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452. Two press reports concerned the leasing of hotels, one containing an invitation by the so-called Tourist Enterprise for tenders for the lease of an 80-bed hotel on the Salamis-Pamagusta road (1) and the other quoting the text of a notice of the same enterprise by which persons who had submitted tenders for the leasing of hotels, restaurants, beaches; etc. in the areas of Pamagusta and Kyrenia, were to call at its offices in order to discuss the question of rental (2). The latter press report also listed the (Turkish) names and the addresses of people living in Kyrenia, Nicosia, Adana, Ankara, Istanbul and Amsterdam. Mr. Andronikou further stated that the Turkish Government had requested all foreigners who had property or any interest in the north of Cyprus to declare that property or interest (3).

II. Movable property

1. Looting

453. Witness Pirkettis, who was apprehended by the Turkish forces and taken to Adana as a prisoner, described looting which he saw in Trimithi as follows:

"... It was about 11.30, every house was looted, especially they (Turkish soldiers) took things valuable and small, radios, money, but everything was scattered on the floor and so on, and they took food, whatever it was ..." (4).

454. Looting in Kyrenia was described by Mr. Charalambides who had also been running a private medical practice (5):

"... the first days of looting of the shops was done by the army, of heavy things like refrigerators, laundry machines, television sets. I saw this because they needed my help to go out and find out where dead bodies were lying ... So that is how I know that in the main streets of Kyrenia all the shops were looted and emptied by the army, and of course, it was everybody's lot afterwards because all doors and windows were open so everybody could walk in, but the heavy goods were removed by army truck". (6)

455. When asked whether he had seen that stolen or looted goods had been loaded on ships, the witness confirmed this as follows:

"Yes, the first weeks from Kyrenia harbour they used to bring these small ships (navy ships) and we witnessed, from the Dome, because it is so near, the loading of cars and goods, refrigerators, some big things on these ships ". (7)

- (1) Addendum, p. 79.
- (2) Ibid., p. 79.
- (3) Verbatim Record, p. 130.
- (4) Verbatim Record, p. 43.
- (5) Verbatim Record, pp. 78, 79.
- (6) Verbatim Record, pp. 78, 79.
- (7) Verbatim Record, p. 82.

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456. Witness Kaniklides, a barrister from Famagusta, reported similar events in his home town (1). He stated that, unlike other inhabitants of Famagusta, he did not flee before the arrival of Turkish troops because his mother was unfit for transportation. After the occupation of Famagusta he spent more than three weeks hidden in his house. He said inter alia:

"At two o'clock an organised, systematic, terrifying, shocking, unbelievable looting started ... We heard the breaking of doors, some of them iron doors, smashing of glass and we were waiting for them any minute to enter the house. This lasted for about four hours."

457. When questioned by the Delegates as to whether the looting had been carried out by the Turkish army forces, he stated (2):

"On that day I think it was organised; it must have been the Turkish forces."

458. Mr. Kaniklides further stated that the following day he dared to move the shades of a window in order to look out on the street and observed a man in civilian dress and three soldiers with weapons looting a shop (3).

459. Some of the witnesses declared that they had heard of looting (4).

460. One of the persons heard by the Delegates in the refugee camps (5) also declared that he found his house looted.

461. The Commission further notes that the applicant Government have submitted a great number of written statements by alleged eye-witnesses describing looting in places ranging from Kyrenia to Famagusta (6).

462. This evidence is corroborated by several reports by the Secretary-General of the United Nations mentioning widespread looting in the wake of the hostilities in occupied areas (7),

(1) Verbatim Record, p. 186.

(2) Ibid., p. 186.

(3) Ibid., pp. 188 and 194.

(4) Mrs. Soulioti: Verbatim Record, pp. 11 and 15; Mr. Stylianou: Ibid., p. 33; Mr. Odyseos: Ibid., pp. 91 and 92; Mr. Savvides: Ibid., p. 120; Mr. Andronikou: Ibid., p. 127; Mr. Tryfon: Ibid., p. 136 and 138. Mr. Tryfon further submitted statements made by alleged eye-witnesses (see Addendum, pp. 90-93) and related to looting in Laphthos, Ayios Georgios, Bellapais, Morphou and Karavas, Verbatim Record, p. 167; Mr. Iacovou: Ibid., p. 167.

(5) Addendum, p. 7.

(6) Statements I, Nos. 3, 12, 21, 29, 32, 33, 37, 39, 41, 43, 46, 47, 49, 53, 54, 58, 61, 63, 66, 69, 71, 73-76, 78, 79, 85-87, 89, 92, 99, 100, 102, 104, 105, 109, 111, 112, 114-117, 120-122; Statements II, Nos. 1-11, 13-20.

(7) UN Document S/11568, p. 11.

the removal of some property from a factory south of Kalopsidha by Turkish forces (1) and looting by Turkish Cypriots and Turkish forces particularly in Famagusta-Varosha (2). .

2. Robbery

463. Witness Pirkettis described (3) robbery of personal belongings as follows:

"... Then they made us come down from the trucks, they left the women and the children in the trucks, they took everything we had: money, watches, rings and crosses, everything valuable And they made it a lot on the table there ... and there was an officer and he said: We will give it back to you later. But I knew that was lies because they could not know which belonged to whom. They did not write any names or anything."

464. Witness Charalambides stated (4) that in the first two days all the people who were found hiding in their houses were taken for interrogation, and that they lost their watches, lighters and rings; they all came to the Dome Hotel without them.

465. Further evidence concerning robbery of personal possessions was given by persons interviewed in the refugee camps (5). Several witnesses declared that they had heard of robbery (6).

466. The Commission further notes that a great number of written statements by alleged eye-witnesses submitted by the applicant Government also described cases of robbery (7).

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- (1) UN document S/11624, pp. 3 and 4.
 - (2) Ibid. S/11717, p. 11. Also Statements II, No. 10.
 - (3) Verbatim Record, p. 43.
 - (4) Verbatim Record, p. 84.
 - (5) Refugee A, Addendum, p. 2.
Refugee C, Ibid., p. 7.
Refugee D, Ibid., p. 9.
Refugee E, Ibid., p. 12.
Refugee G, Ibid., p. 13.
 - (6) Mrs. Soulioti, Verbatim Record, p. 16.
Mr. Odysseos, Ibid., pp. 95 and 96.
Mr. Tryfon, Ibid., p. 136 and Addendum, pp. 91-93.
 - (7) Statements I, Nos. 1, 3, 4, 7, 21, 23, 24, 28, 32, 33, 37-41, 43, 44, 47, 48, 51, 54, 57, 58, 63, 68, 70-72, 76, 80, 83, 88, 94, 97, 100, 102, 109, 112, 113, 116, 121.
Statements II, Nos. 1, 4, 9, 13, 15, 16, 18, 19.

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III. Destruction of movable and immovable property

467. Evidence concerning destruction of property was given by witness Charalambides who stated that during the first search of his house by the army some of his medical instruments were badly damaged (1).

468. Further evidence was obtained from witness Kaniklides (2) and persons heard in the refugee camps who stated that they witnessed destruction of property by the Turkish forces in Famagusta, Ayios Georgios, Boghasi and near Mora (3).

469. Witnesses Odysseos (4), Tryfon (5), and Azinas (6) declared that they heard of an order by Turkish military authorities to uproot a dried-out orange orchard at Kalo Khorio, of efforts by Turkish soldiers to burn down all the buildings along the green line in Nicosia and of the destruction of consumer goods respectively.

470. The Commission also notes that a number of the written statements by alleged eye-witnesses describe the breaking of doors and windows of houses, the smashing of furniture (?), icons, candles and other church property (8), the setting on fire of orchards and crops (9) and the killing of animals (10).

D. Evaluation of the evidence obtained

I. General

471. As regards the displacement of the overwhelming majority of the Greek Cypriot population from the northern area, where it left behind movable and immovable possessions, and the established fact that these displaced persons are not allowed to return to their homes in the north, and thus to property left there, the Commission refers to its findings in Chapter 1 above (11).

(1) Verbatim Record, p. 74.

(2) Ibid., p. 100.

(3) Refugee A, Addendum, p. 1.

Refugee C, Ibid., p. 7.

Refugee H, Ibid., p. 13.

(4) Verbatim Record, p. 101.

(5) Ibid., p. 139.

(6) Ibid., p. 229.

(7) Statements I, Nos. 21, 29, 62, 66, 67, 71, 84, 104;

Statements II, Nos. 2, 13, 18-20.

(8) Statements I, Nos. 4, 67, 71, 72, 75; Statements II, No. 9.

(9) Statements I, Nos. 43, 80.

(10) Ibid., Nos. 43, 66, 104.

(11) Cf. also para. 434 above.

II. Immovable property

1. Houses and land

472. As to the specific evidence obtained concerning the occupation of houses and land by Turkish Cypriots, Turkish soldiers and Turks from the mainland, witness Charalambides described the events which took place in Kyrenia in a calm and precise manner. His statement was corroborated by the evidence of some other witnesses and a number of written statements submitted (2).

The Commission, for the reasons stated above (2), could not investigate all incidents described in the written statements, especially those where Turks from the mainland were concerned. However, together with the above evidence, these statements constitute further elements of proof of taking and occupation of houses and land by Turkish Cypriots and Turks from the mainland, both military personnel and civilians.

473. The Commission further observes that about 40,000 Turkish Cypriots originally residing in the south, including approximately 17,000 transferred under negotiated agreements, moved gradually to the north of the island from 1974 onwards (3).

The Commission considers that accommodation had consequently to be found for over 40,000 Turkish Cypriots in the northern area and that this element supports allegations concerning the occupation on a considerable scale of houses and land in the north belonging to Greek Cypriots, and the establishment of an office for housing to regulate the distribution (4).

474. The Commission therefore accepts the evidence obtained as establishing the taking and occupation of houses and land belonging to Greek Cypriots.

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- {1} See paras 436-438 above.
{2} See para. 77 and cf. paras. 319, 372, 392. As stated in para. 78, the Commission's Delegation was refused any co-operation by Turkish or Turkish Cypriot authorities for an investigation in the north of Cyprus.
{3} Cf para. 102 above.
{4} Cf para. 437 above.

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475. The figures or losses given may be approximate and detailed findings would require a closer examination. However, such details would only be of secondary importance in the determination of the alleged violations of Art. 1 of Protocol No. 1.

476. Moreover, the Commission found strong indications that Turks from the mainland have settled in houses belonging to Greek Cypriots in the north of the island (1).

2. Agricultural, commercial and industrial enterprises

477. The Commission finds no reason to doubt the testimonies of MM. Savvides and Azinas (2). It finds it established that agricultural, commercial and industrial enterprises were taken out of the hands of Greek Cypriots but considers that a definite finding concerning the value and the operation of the said enterprises after 20 July 1974 cannot be made because the matter has not been further investigated for the reasons stated above (3).

3. Tourist industries

478. Witness Andronikou's lengthy and detailed statement does not give rise to any doubt as to its credibility. The Commission considers, however, that the figures of the value of these industries would need further investigation. As regards the putting into operation of some named hotels in Kyrenia and Famagusta, the submitted newspaper cuttings containing advertisements on trips to the said hotels and on leasing of other hotels and statements by Turkish authorities, substantially corroborated Mr. Andronikou's testimony (4).

479. The Commission concludes that the evidence so far obtained proves beyond reasonable doubt the putting into operation of certain hotels in the northern area while further investigations would be required to establish the actual situation as regards the appropriation of such property and its value.

III. Looting and robbery of movable property

480. Witnesses Pirkettis and Charalambides are, as stated above (5), credible and the Commission finds no reason to doubt the testimony of Mr. Kaniklides. Further statements by other witnesses and persons heard in the refugee camps as well as the numerous written statements submitted fully corroborate the descriptions given by these witnesses (6).

(1) Cf. paras. 436 and 438.

(2) Cf. paras. 439-444.

(3) See paras. 77 and 78.

(4) Cf. paras. 445-452.

(5) Cf. Chapter 4, paras. 371 and 390-391.

(6) Cf. paras. 453-462 and 463-466.

The Commission, therefore, accepts their testimony as proving beyond reasonable doubt that looting and robbery on an extensive scale, by Turkish troops and Turkish Cypriots have taken place.

IV. Destruction of property

481. The credible testimony of witnesses Charalambides and Kanihlides is further supported by the evidence given by persons interviewed in the refugee camps and by a great number of written statements submitted. The Commission is therefore satisfied that destruction of property has taken place in many cases (1).

482. The evidence concerning the uprooting of a dried out orange orchard, the effort to burn down all the buildings along the green line in Nicosia, and the destruction of consumer goods, as mentioned by witnesses Odysseos, Tryfon and Azinas respectively, constitutes strong indications of the measures described (2).

E. Responsibility of Turkey under the Convention

483. The Commission has already found that the refusal to allow the return of Greek Cypriot refugees and expellees to the north of Cyprus (3) must be imputed to Turkey under the Convention. It now considers that the consequent interference with the peaceful enjoyment by Greek Cypriots of their movable and immovable possessions in the north must equally be imputed to Turkey.

484. The evidence further showed that the taking of houses and land, looting and robbery, and destruction of certain property were effectuated by the Turkish forces. These acts must therefore be imputed to Turkey.

485. As regards such deprivations of possessions by Turkish Cypriots, the Commission considers that, insofar as the persons committing them were acting under the direct orders or authority of the Turkish forces of which there is evidence, the deprivation must equally be imputed to Turkey under the Convention.

F. Conclusion

486. The Commission, by 12 votes against one, finds it established that there has been deprivation of possessions of Greek Cypriots on a large scale, the exact extent of which could not be determined. This deprivation must be imputed to Turkey under the Convention and it has not been shown that

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- (1) Cf. paras. 467-470.
 - (2) Cf. para. 469.
 - (3) Cf. Chapter 1, para. 108.

any of these interferences were necessary for any of the purposes mentioned in Art. 1 of Protocol No. 1.

487. The question whether any of these acts were justified under Art. 15 of the Convention will be considered in Part III of this Report.

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ANNEX II

Press clippings, 1976-1980

THE GUARDIAN 5.7.1976

Death of a village of peace

By John Blerman

The old countryman's eyes were heavy with tears he had not yet shed. What did he think would happen to Bellapais when the last of its people had left? His previously firm voice broke at the thought and the tears began to flow. "Erimle", he said, "Desolation".

Bellapais has been dying by degrees since the beginning of the year when the Turks began moving out. In small groups, the 700 inhabitants of this

hauntingly beautiful village, made world famous by Lawrence Durrell's 1955 bestseller, *Bitter Lemons*.

There are now fewer than 20 people left in the village and they will all be gone by the weekend.

The Turks say the departures are all voluntary, and indeed it is true that all the people of Bellapais did eventually sign forms requesting transfer to the South.

"Why did you sign?" I asked an old woman who came out this week. "Do you think I wanted to leave my beautiful village?" — she replied with passion — "the house which was my dowry, where my children were born and grew up, to face an uncertain future among strangers? They made me sign. None of us wanted to go, but slowly they wore us down. There was nothing left for us but to go".

Mr. Cleanthous, 52-year-old former curator of Kyrania Castle, was a key figure in Bellapais and when he left last March — driven out, he says, by Turkish threats of imprisonment for curfew breaking and membership of an underground organisation — many of those remaining lost heart.

"It is quite true I did break the curfew", he told me, "but it was a minor technical breach. Some English friends drove me home from a party at 11.30 one night and the village policeman, Sergeant Khalil, was hiding behind my garden wall, waiting to arrest me as I opened my front door.

"So they took me down to Kyrania and kept me in a cell for questioning for five days. But the idea of my leading an under-ground group is nonsense. None of us had the remotest idea of doing anything like that. All we wanted was to maintain a Greek community in Bellapais, living the old life as far as we could, until things should change for the better.

"At first, when Colonel Zakkı was there, it seemed that they wanted more or less the same thing — a Greek community living contentedly under Turkish rule without interference, something they could show the world as an example of their humane behaviour.

"Now the village seems to have served its purpose as a show-place and now they want it for something else — perhaps a resort for rich people from Turkey, perhaps to move in senior officers' wives and families. We can only guess. I think they'll finally make the British, who live there get out, too".

There are now fewer than 7,000 Greeks left in the North of Cyprus under Turkish rule, virtually all of them in the Karpas Peninsula, "The Panhandle", in the extreme North-east of the island. Since the beginning of the year they have been moving south at a rate of about 400 a month.

In justification of their policy of dividing the island into two watertight ethnic compartments, the Turks cite the years of fear and encirclement they suffered as a beleaguered minority community in an island where they had lived for centuries. They cite, too, the much-loved villages which they felt compelled to abandon in the South.

And so the arid circular argument goes on and a settlement now seems further away than ever.

THE TIMES 9.12.1976

Further expulsions belie Turkish claims of a voluntary exodus

By Robert Fisk

The refugees from Yaloussa arrived after nightfall last night, silent at first but bursting into exaggerated laughter when friends and former neighbours appeared out of the darkness next to the tents and communal washbasins.

Most had driven in taxis from their homes in the north across the Turkish line and the old lorries carrying their furniture came grumbling down the dirt track into Voroklini camp a few minutes later.

The lorries were loaded with armchairs half-smothered in heavily-embroidered antimacassars, with mattresses tied up in plastic sheets, with boxes of cutlery and with huge, new refrigerators that glowed with a luminous, hygienic white light as if they had just been taken from a showroom by a thief who had lost his way in the dark.

Several of the women, including a young hairdresser holding a hissing storm lamp, were crying although the men tried to maintain their humour, making loud and unhappy jokes about the mist and the damp night.

Without exception and without prompting, the Greek Cypriots said that they had been ordered by the Turks and Turkish Cypriots to leave their homes. But when asked to describe what had happened, most became overwhelmed by emotion.

The Greek Cypriot Government's welfare officials who distribute food and money to the 65 families at Voroklini — £17 a month for a family of two but £23 for a family of three and £28 for four — say that only after a fortnight can the refugees speak coherently about their experiences.

On a little square of bare earth next to the washroom, Mrs. Marula Kapatos lives in a tent with her lorry driver husband and four children. She arrived here 15 days ago and expects to live in the tent through the winter. Later she will be given a plywood shack and then, if she is lucky, she will be allowed to move into a house by next autumn.

Her family lived in a two-bedroom house in Yaloussa which she and her husband bought 12 years ago for £2,000.

Mr. Kapatos, a short, plump man with an unkempt moustache, had installed a modern, tiled bathroom with a gas water heater and his wife looked after the small garden. The couple talk obsessively about their home, as if by doing so they will one day be able to return there.

Mrs. Kapatos's story is typical of the monotonous, sad accounts given by the men and women in the tents around her, and it seems to cast serious doubts on the integrity of the Turkish officials in the north who talk so insistently about the "voluntary" decision of the Greek Cypriots to leave their homes in the Turkish-controlled part of Cyprus.

The family knew that thousands of other Greek Cypriots had left, or been made to leave, the Cyprus panhandle since the Turkish invasion of 1974 but, as Mrs. Kapatos explains, she and her husband thought that after so long they would be permitted to stay in their home.

"The agreements between the Greeks and Turks said that Greek Cypriots could stay in their homes if they wished to — we believed that this was true", she says.

"But the Greek teachers who were supposed to be allowed to look after our children never came to Yaloussa — the Turks did not allow them.

"Then we had a visit from two Turkish Cypriots on November 8. They were originally from Kokkina (a Turkish Cypriot village still under the control of the Greek Cypriot Government) and they said we had 15 days to leave. They said they had been told that they could have our house and that the authorities had sent them round to us.

"I did not believe this was true and said: "You cannot tell us to leave. What authority have you got?" So the taller man held up a piece of paper with a Turkish stamp on it, which gave his name as Hasim Mehmet and listed our house as "F55". In Yaloussa, the village was so small that we never had street numbers but this was the Turkish designation for our home. I told the men to leave and they did.

"But next day a Turkish girl who lived two houses away and who was a friend of mine came to our home. She said that the Turks were going to burn my husband's lorry unless we agreed to leave immediately.

"On the same day, Mr. Mehmet came back. He said he would bring some boxes for us if we needed extra packing cases when we moved. Then he asked my husband to show him how the water-heater worked in our bathroom".

The Turkish Cypriots have been so vehement in denying that Greek Cypriots have been subject to coercion that it seemed necessary to ask one of those newly arrived refugees if they really had not wanted to leave. The young hairdresser spoke English but she began crying as soon as she heard the question. "How could you ask me that?" she shouted. "How could you?"

THE WASHINGTON POST 12.12.1976

Two-Years Search for Allegedly Kidnaped Son in Turkey Is Fruitless

By Jay Bushlinsky

NICOSIA, Cyprus:— At least nine Americans have been missing since the 1974 war in Cyprus and are believed to be held in Turkish prisons.

Gus Kassaplis, a naturalized U.S. citizen who formerly lived in Detroit, has spent two years looking for one them: his son, Andy, then 15, who allegedly was kidnaped by Turkish Cypriot irregulars along with his sister's Cypriot fiancé. Greek Cypriots

believe that 3,000 of their compatriots still are being held in Turkish detention centers.

Andy was born in Detroit in 1959, seven years after the Kassaplis family immigrated to the United States. The family returned to Cyprus in 1966.

The distraught father, who has been staying in Cyprus in the hope that some shred of evidence may lead to the discovery of Andy's whereabouts, has been knocking on official American doors for two years pleading for intervention in the case.

His daughter, Irene, 25, who grew up in Detroit after being taken there as an infant, clings to the belief that somehow her fiancé, Leo Leontiu, will be found alive and returned to his native Cyprus.

They recalled the tragic events of August, 1974 — when Turkish forces launched their second offensive — as if they had happened yesterday.

The Kassaplis family was living in Ashia village, 25 miles west of Famagusta, when the misfortune took place.

"It was Aug. 14", Gus began. "My son-in-law (according to Greek-Cypriot custom a man who is engaged to marry one's daughter is treated as one's son-in-law) rushed into our house and said he heard shooting and saw Turkish tanks entering the town".

"Soon after I realized that it was too dangerous to flee, a Turkish officer came into the house and told us in English that we need not be afraid. We asked him to put it in writing, the fact that we were American citizens and should be spared any harm, but he said he was not authorized to comply".

Kassaplis said he had flown an American flag and attached a large photograph of President Kennedy to the door. "But a week later, when Turkish-Cypriot soldiers burst in and said, 'Let's go', commanding my wife, children and me to follow them, the fact that we were Americans made no difference".

According to Kassaplis the Turkish authorities denied permission to Red Cross delegates to enter Turkish prisons on the island or in mainland Turkey.

"During the first year after the war the Red Cross delegates were allowed in", Irene said, "but they had to give two to three days' notice before gaining admission to the Turkish sector."

In the second year, the Red Cross simply stopped trying to function as a tracing agency".

In November, 1974, Gus said, the Turkish authorities produced a list of 145 students earmarked for release. Andy's name was on that list, written in Turkish letters. "I took the list to the embassy".

Gus also sought help in Washington. In 1975, he spent a good deal of his dwindling funds to travel to the United States and appeal to State Department officials and to congressmen and senators, including Sen. Edward M. Kennedy (D—Mass.).

Asked why he had returned to Cyprus in the first place, Gus explained he wanted to take a vacation and to see his parents.

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THE TIMES 13.12.1976

Secret U.N. reports on looting in Cyprus

By Robert Fisk, Nicosia

Confidential United Nations military documents, circulated to officers in the United Nations peace-keeping force in Cyprus, disclose that looting is being systematically carried out on a massive scale by the Turkish and Turkish Cypriot authorities in the north of the island.

In terms never publicly used by the United Nations, they also state categorically that scores of Greek Cypriots are being forced to leave their houses in Turkish areas and that robbery is now wide-spread in parts of Turkish-held Cyprus.

Except for a single reference to complaints about 'removal of merchandise' by Turks in Famagusta, the United Nations in Cyprus has never commented on the organized looting, which the Turks have always strenuously denied.

But the documents—internal reports sent to commanders by the United Nations Police Observation Officers at United Nations headquarters in Nicosia—describe in detail how the Turkish authorities in Famagusta have for more than a year been organizing daily convoys of lorries to transport property from Greek Cypriot homes and shops.

This extraordinary plunder, the reports disclose, is still going on and has been carried out with the approval of the Turkish authorities. The documents show that cars, motor cycles, scooters and even speedboats have been collected at a deserted Christian church in the city in preparation for auction.

Publicly, the United Nations here acknowledges that its movements in the north are 'restricted' but it has otherwise given no indication of the officially-sanctioned theft going on in that area. The documents, which speak of Greek Cypriots being forced to sign applications to leave their homes in Turkish-held districts, also refer to attacks on Greek Cypriots.

One of the most blatant, according to the United Nations papers, occurred in October when five Turkish Cypriots armed with a shotgun entered the home of a Greek Cypriot man in the village of Ayias Trias, robbed him and then raped his daughter, aged 14.

The United Nations, which confirms that the papers are genuine, will make no statement on their contents. Its official spokesman in Nicosia refused to comment today, saying that he would not discuss "restricted documents".

The papers, which are contained in files marked "UN Restricted" and which have come into the hands of *The Times*, take the form of a summary of events in the United Nations' six military sectors

and each is signed by an officer in the United Nations international police force. Although sometimes couched in abbreviated military jargon, they none the less give a graphic impression of the state of tension and lawlessness in at least one area of Turkish-occupied Cyprus.

Many of them deal with the Varosha district of Famagusta which the Turks have designated a "military area" and which is virtually a ghost town since all its inhabitants were Greek-Cypriots who have now moved to the south. Repeatedly, the documents contain reports from the Swedish contingent of the United Nations force in Famagusta, recording the removal of vast quantities of private belongings from Greek Cypriot property over a long period.

Report 224, for instance, dated August 12, 1975, describes how Swedish troops saw "a military lorry... with furniture loaded from a house in Evagoras Street". Just over a month later — on October 22, report 265 says: "The general situation (of looting in Famagusta) has remained unchanged. However, a slight increase was observed in the middle of the week when 32 private lorries were seen at TK Forces HQ (Turkish Forces Headquarters) at Ayios Ioannis church".

The report goes on: "Looted speedboats for sale have also been observed, stored at the church, and it is believed that they will be sold by public auction".

On November 21 last year, Sector Six reported: "In general there is no change of looting in Varosha. Still some 20 lorries and 100 labourers are gathering every morning at Ayios Ioannis church, the centre for distribution of looting teams to receive orders".

Throughout the winter months, the reports continue in almost identical fashion, and this year United Nations police summary 377 stated:

"During the period May 24 to May 30, 1976, the looting activity continued in a similar manner to previous weeks. Approximately 10 lorries were used daily to bring away shop furniture, electric kitchens, refrigerators and washing machines along Evagoras-Demokratias Street. Also six speedboats and a large plastic boat were taken from the storage place near Ayios Ioannis church".

Throughout June this year, the same routine continued. Sector Six reported that: "During the period 30/5 to 6/6 looting continued as in previous weeks with daily use of about 10 trucks. The main items being taken were house-hold furniture, stoves and refrigerators. It has been noticed that about 30 motor cycles and scooters have been collected and stored near the Ayios Ioannis church". Summary 380 noted later that the number of lorries had increased to 15 each day that the motor cycles had been taken from the church to an unknown destination.

Later reports still spoke of the removal of a "cottage" on a lorry from Varosha, and the most recent document, issued only three days ago, says that looting is still going on in the city. Yet the reports also suggest that the Turks, while organizing their own looting, are having to fight off freelance thieves.

THE SUNDAY TELEGRAPH 19.12.1976

Britons forced out by Cyprus looters

By Norman Kirkham, Diplomatic Correspondent

British residents who have stayed in Kyrenia during the 30 months of Turkish Army occupation are beginning to move out after repeated lootings and harassment. Their villas are being threatened by marauding bands of Turkish refugees and renegade troops.

Property stolen from British homes in Kyrenia, Famagusta and other parts of Northern Cyprus is now estimated to have reached £300,000.

Goods valued at millions of pounds have been stolen from Greek Cypriot homes, including furniture, refrigerators, television sets, cars and boats. Cargoes of booty have been shipped to the Turkish mainland.

There were about 2,500 Britons in the North before the Turkish invasion. Hundreds left holiday villas to the mercy of the looters but 200 people living in retirement stayed behind. Now they are beginning to trickle out to Nicosia.

Most of the 180 now left live in this harbour town and the villages in mountains nearby. Scores more plan to go next year.

Accompanied by a Turkish guide I was allowed to drive to the clusters of little white-walled villas where the British residents have been living under siege from the looters.

Despite the pleasant winter sunshine, shutters were closed and padlocked. Garden gates and doors were barred and chained. The occupants usually refuse to answer to callers and only the cars in driveways indicate that anyone is at home.

Many of the Britons have been reluctant to move because they have sunk their savings into the villas and are unable to sell. Others have been hoping for an early settlement of the island's conflicts.

Instead, as the Denktash Government has tightened its grip, thousands more Turkish refugees from Southern Cyprus and peasants from the Turkish mainland have flooded in.

Widow robbed

One of the latest victims is Mrs. Pamela Taw, who lives at Orga, outside Kyrenia. She said: "The robberies tend to be very selective. While I was away in Britain people broke in and stole £900 worth including blankets, jewellery and even an immersion heater which had to be removed with special tools.

"Afterwards a neighbour, a retired brigadier, boarded up my front door and he was inside my house when an Army Jeep with troops arrived. They tried to get in but he ordered them away".

Mrs. Taw is the widow of a British Army colonel who was killed when their villa was strafed by a Turkish Air Force Phantom during the 1974 invasion.

Roof removed

There have also been incidents when British women have been molested or threatened by Turkish troops and others.

The robberies are often bizarre. A roof was removed from one villa at Bellapais. In another incident a British couple were watching television at their flat outside Kyrenia when the set began to flicker.

They went outside and chased two men who had been tampering with the aerial and returned to find their television missing.

Mr. Rauf Denktash, Turkish Cypriot leader, told me that homes and certain furniture and equipment which had been owned by Greek Cypriots were being requisitioned for use by the refugees in the North. It was up to Greek Cypriots in the South to occupy the villas left by the Turks there.

THE OBSERVER, 16.1.1977

Turks to drive out all Greek Cypriots

By Joseph Fitchett, *Nicosia*.

The last Greeks of Yaloussa, once a thriving village in Northern Cyprus with a population of 2,500 were driven across the Attila Line to a Red Cross reception centre last week.

They joined some 20,000 Greek Cypriots who have been forced out of Turkish-controlled Northern Cyprus since the end of hostilities in 1974.

Yaloussa survived in the Turkish zone largely untouched until six weeks ago, when the first of the villagers were brought to the crossing point at the war-damaged, sand-bagged Ledra Palace Hotel. They had to leave behind their tools, tractors, school books and the church icons.

It is now clear that the Turkish military establishment controlling Northern Cyprus intends to purge all the remaining Greek Cypriots from the Northern part of this island.

This step will complete the ethnic separation here and consolidate the administrative and military division which already exists on the ground.

Turkish officials say privately they must turf out the Greeks to prevent President Archbishop Makarios from trying to build "bridges of sovereignty" to Greek enclaves via the United Nations and world opinion.

The elimination of the last 2,000 Greek Cypriots in the Turkish-controlled zone is a predictably nasty process. They live in the Karpass Peninsula, a long craggy finger pointing to Turkey from Kyrenia. It was cut off by the Turkish invasion and poses no security threat.

But the Turkish military, who in fact control the Turkish Cypriot zone, have emptied Turkish Cypriots from two vulnerable villages and now are settling them in the Greek Cypriot houses as they are vacated.

Yaloussa, the largest Karpass locality was first. When intimidation failed, they say, busloads of Turkish Cypriots were brought to the village and allowed to rob and threaten the Greeks.

Under this pressure, the villagers then signed papers — as Turkish Cypriot officials never tire of stating — asking to leave.

There are indications that the Turkish authorities have accelerated the evacuation in order to complete it before the new American administration establishes itself in Washington.

THE SUNDAY TIMES, 23.1.77

The terrible secrets of the Turkish invasion of Cyprus

Killing

Relevant Article of Human Rights Convention: Everyone's right to life shall be protected by law.

Charge made by Greek-Cypriots: The Turkish army embarked on a systematic course of mass killings of civilians unconnected with any war activity.

Turkish Defence: None offered, but jurisdiction challenged. By letter dated November 27, 1975, Turkey told the Commission it refused to accept the Greek-Cypriot administration's right to go to the commission, "since there is no authority which can properly require the Turkish government to recognise against its will the legitimacy of a government which has usurped the powers of the state in violation of the constitution of which Turkey is a guarantor". No defence therefore offered to any other charges either.

Evidence given to the commission:

Witness Mrs K. said that on July 21, 1974, the second day of the Turkish invasion, she and a group of villagers from Ella were captured when, fleeing from bombardment, they tried to reach a range of mountains. All 12 men arrested were civilians. They were separated from the women and shot in front of the women, under orders of a Turkish officer. Some of the men were holding children, three of whom were wounded.

Written statements referred to two more group killings: at Trimithi eyewitnesses told of the deaths of five men (two shepherds aged 60 and 70, two masons of 20 and 60, and a 19-year-old plumber). At Palekythron 30 Greek Cypriot soldiers being held

prisoners were killed by their captors, according to the second statement.

Witness S gave evidence of two other mass killings at Palekythron. In each case, between 30 and 40 soldiers who had surrendered to the advancing Turks were shot. In the second case, the witness said, "the soldiers were transferred to the kilns of the village where they were shot dead and burnt in order not to leave details of what had happened".

Seventeen members of two neighbouring families, including 10 women and five children aged between two and nine were also killed in cold blood at Palekythron, reported witness H, a doctor. Further killings described in the doctor's notes, recording evidence related to him by patients (either eye-witnesses or victims) included:

Execution of eight civilians taken prisoners by Turkish soldiers in the area of Prastio, one day after the ceasefire on August 16, 1974.

Killing by Turkish soldiers of five unarmed Greek Cypriot soldiers who had sought refuge in a house at Voni.

Shooting of four women, one of whom survived by pretending she was dead.

Further evidence, taken in refugee camps and in the form of written statements, described killings of civilians in homes, streets or fields, as well as the killing of people under arrest or in detention. Eight statements described the killing of soldiers not in combat; five statements referred to a mass grave found in Dherynia.

Commission's verdict: By 14 votes to one, the commission considered there were "very strong indications" of violation of Article 2 and killings "committed on a substantial scale".

Rape

Relevant article: No one shall be subjected to torture or to inhuman or degrading treatment or punishment.

Charge by Greek-Cypriots: Turkish troops were responsible for wholesale and repeated rapes of women of all ages from 12 to 71, sometimes to such an extent that the victims suffered haemorrhages or became mental wrecks. In some areas, enforced prostitution was practised, all women and girls of a village being collected and put into separate rooms in empty houses where they were raped repeatedly.

In certain cases members of the same family were repeatedly raped, some of them in front of their own children. In other cases women were brutally raped in public.

Rapes were on many occasions accompanied by brutalities such as violent biting of the victims causing severe wounding, banging their heads on the floor and wringing their throats almost to the point of suffocation. In some cases attempts to rape were followed by the stabbing or killing of the victims, victims included pregnant and mentally-retarded women.

Evidence given to commission: Testimony of doctors C and H, who examined the victims. Eyewitnesses and hearsay witnesses also gave evidence, and the commission had before it written statements from 41 alleged victims.

Dr H said he had confirmed rape in 70 cases, including:

A mentally-retarded girl of 24 was raped in her house by 20 soldiers. When she started screaming they threw her from the second-floor window. She fractured her spine and was paralysed;

One day after their arrival at Voni, Turks took girls to a nearby house and raped them;

One woman from Voni was raped on three occasions by four persons each time. She became pregnant;

One girl, from Palekythron, who was held with others in a house, was taken out at gunpoint and raped;

At Tavrou, Turkish soldiers tried to rape a 17-year-old schoolgirl. She resisted and was shot dead;

A woman from Gypsou told Dr H that 25 girls were kept by Turks at Marathovouno as prostitutes.

Another witness said his wife was raped in front of their children. Witness S told of 25 girls who complained to Turkish officers about being raped and were raped again by the officers. A man (name withheld) reported that his wife was stabbed in the back while resisting rape. His grand-daughter, aged six, had been stabbed and killed by Turkish soldiers attempting to rape her.

A Red Cross witness said that in August 1974, while the island's telephones were still working, the Red Cross Society received calls from Palekythron and Keputi reporting rapes. The Red Cross also took care of 38 women released from Voni and Gypsou detention camps: all had been raped, some in front of their husbands and children. Others had been raped repeatedly, or put in houses frequented by Turkish soldiers.

These women were taken to Akrotiri hospital, in the British Sovereign Base Area, where they were treated. Three were found to be pregnant. Reference was also made to several abortions performed at the base. Commission's verdict: By 12 votes to one the commission found "that the incidents of rape described in the cases referred to and regarded as established constitute 'inhuman treatment' and thus violations of Article 3 for which Turkey is responsible under the convention".

Torture

Relevant article: see above under Rape.

Charge by Greek-Cypriots: Hundreds of people, including children, women and pensioners, were victims of systematic torture and savage and humiliating treatment during their detention by the Turkish army. They were beaten, according to the allegations, sometimes to the extent of being incapacitated. Many were subjected to whipping, breaking of their teeth, knocking their heads against walls, beating with electrified clubs, stubbing of cigarettes on their skin, jumping and stepping on their chests and hands, pouring dirty liquids on them, piercing them with bayonets, etc.

Many, it was said, were ill-treated to such an extent that they became mental and physical wrecks. The brutalities complained of reached their climax after the ceasefire agreements; in fact, most of the acts described were committed at a time when

Turkish armed forces were not engaged in any war activities.

Evidence to Commission: Main witness was a schoolteacher, one of 2,000 Greek Cypriot men deported to Turkey. He stated that he and his fellow detainees were repeatedly beaten after their arrest, on their way to Adana (in Turkey), in jail in Adana and in prison camp at Amasya.

On ship to Turkey — "That was another moment of terrible beating again. We were tied all the time. I lost the sense of touch. I could not feel anything for about two or three months. Every time we asked for water or spoke we were being beaten".

Arriving at Adana — "...then, one by one, they led us to prisons, through a long corridor.... Going through that corridor was another terrible experience. There were about 100 soldiers from both sides with sticks, clubs and with their fists beating every one of us while going to the other end of the corridor. I was beaten at least 50 times until I reached the other end.

In Adana anyone who said he wanted to see a doctor was beaten. "Beating was on the agenda every day. There were one or two very good. Very nice people, but they were afraid to show their kindness, as they told us".

Witness P spoke of:

A fellow prisoner who was kicked in the mouth. He lost several teeth "and his lower jaw came off in pieces".

A Turkish officer, a karate student, who exercised every day by hitting prisoners.

Fellow prisoners who were hung by the feet over the hole of a lavatory for hours.

A Turkish second lieutenant who used to prick all prisoners with a pin when they were taken into a yard.

Evidence from Dr H said that prisoners were in an emaciated condition on their return to Cyprus. On nine occasions he had found signs of wounds.

The doctor gave a general description of conditions in Adana and in detention camps in Cyprus (at Pavlidou Garage and the Saray Prison in the Turkish quarter of Nicosia) as reported to him by former detainees. Food, he said, consisted of one-eighth of a loaf of bread a day, with occasional olives; there were two buckets of water and two mugs which were never cleaned, from which about 1,000 people had to drink; toilets were filthy, with faeces rising over the basins; floors were covered with faeces and urine; in jail in Adana prisoners were kept 76 to a cell with three towels between them and one block of soap per eight persons per month to wash themselves and their clothes.

One man, it was alleged, had to amputate his own toes with a razor blade as a consequence of ill-treatment. Caught in Achina with another man, they had been beaten up with hard objects. When he had asked for a glass of water he was given a glass full of urine. His toes were then stepped on until they became blue, swollen and eventually gangrenous. (The other man was said to have been taken to hospital in Nicosia, where he agreed to have his legs amputated. He did not survive the operation).

THE TIMES 17.6.1977

Police and barbed wire guard only sizable Greek enclave left behind Turkish lines in Cyprus

By Robert Fisk, Rizokarpaso,
Northern Cyprus

There are 1,510 Greek Cypriots living in the remote village of Rizokarpaso, 70 miles behind the Turkish lines in Cyprus. They subsist on tiny, poor farms, surrounded by Turks in a township ringed by barbed wire and Turkish Cypriot soldiers.

Some of them cooperate with the local Turkish Cypriots, trying as best they can to show the Turks that they want to live in peace with them. Others, particularly the old, are frightened people, living under police surveillance and expecting any day to be evicted from their homes.

Rizokarpaso is almost inaccessible to foreigners. The Greek inhabitants — the only substantial Greek Cypriot community still in Turkish-controlled northern Cyprus — have not left the few square miles around their homes for three years.

To the Turkish Cypriots they represent a community in need of physical protection whose members elect, in increasing numbers, to join their families in the south of the island. To the Greek Cypriot Government they are hostages, harassed by the Turkish authorities and under constant threat of losing their homes and possessions.

The Turkish Cypriot authorities normally insist that journalists wishing to visit Rizokarpaso are accompanied by a government official. This week, however, driving a Turkish Cypriot car and brandishing a Turkish tourist map of Cyprus at the three roadblocks outside the village, I travelled to Rizokarpaso on my own and spent three hours talking to Greek and Turkish Cypriots.

For much of the time I was watched by two plain-clothes Turkish Cypriot policemen. Many of the Greek Cypriots I approached said that they were too frightened to talk to me. Some said they regarded the Turks as their friends. Others appeared terrified of the police and complained that local Turkish Cypriots had stolen their farm animals and wanted to take over their homes.

The road to Rizokarpaso runs through peninsular hills, through the village of Yialousa which is now almost totally occupied by Turks, and along a three-mile track whose surface is so pitted with holes that a motorist is forced to drive at only five miles an hour.

Along the route, Greek Cypriot churches lie deserted, their doors frequently forced open and their ornaments and chandeliers smashed on the stone floor.

Rizokarpaso is a neat little village. The white-washed church, cared for by two elderly priests, stands to the north of the little square around which are three coffee shops. Two are Turkish and one — a converted slaughterhouse where the Greek Cypriot mukhtar (village headman) has his office — is Greek. When I reached the village there were 12 Greeks sitting on wooden chairs under the verandah of their coffee shop.

One of them, a man in his sixties with a bushy moustache and fluent English, nodded when I approached. "Who are you?" he said, and when I told him I was a journalist he glanced over my shoulder and asked if I had come alone.

He introduced me to the other 11 Greeks. Most

were retired farmers, two owned livestock and lived in small bungalows, while two others were young men who worked the fields. All said they would not tell me their names.

"Do not tell the police you have spoken to us", the man with the moustache said, "or they will throw us out". It was a hot afternoon and the village square was empty except for my parked car. I asked whether the Greek Cypriots wanted to stay in the village or whether — as the Turkish Cypriot authorities often claim — they wanted to leave for the south of the island.

"We want to stay", the man said. "Why should we leave? Our homes are here and we have nothing else. Our farms are here. Sometimes the Turks try to take our animals. I tie my goats to my bed at night to stop the Turks stealing them. They want our homes but we do not want to give them up. Sometimes the police tell us we cannot work our fields. The police are no use in protecting us."

The man paused, looked over my shoulder at the square and said: "Police — do not tell them I have talked to you". Walking towards me across the square was a young man in sunglasses wearing a red teeshirt.

As he came closer, the Greeks huddled round a table and turned on a radio loudly. "Welcome", the young man said to me, extending his hand, "Can I help you?" When I asked him who he was, he said simply: "I'm the police".

Why had I come to Dipkarpas — the Turkish name for Rizokarpaso — he wanted to know. What did I want? Had I talked to the villagers? The Greek Cypriots watched us intently as they bent over their radio.

The policeman with the red teeshirt was to become an almost permanent feature of the landscape. He stood outside the little concrete police station with its Turkish flag and watched me as I walked to the Turkish coffee shop near the church. Yes, one of the Turks there said, they were friendly to the Greeks but many Greeks had left the Village of their own accord.

Statistics show that 3,151 Greek Cypriots lived in Rizokarpaso before the division of the island in 1974. Only two Turks lived there then. There are more than 400 today, living in what were Greek Cypriot homes.

Just opposite the police station stands "Louis's fresh fish restaurant" although the Greek Cypriot owner — "Mr Louis" to the villagers — explained that he no longer had the food to run a restaurant. "I've been here since 1974", he said, "but we have to make the best of life under the circumstances".

As we talked he moved further and further away, sweeping the verandah of his house with a broom and eventually turning the corner of his house so that we could no longer continue the conversation.

I saw him later entertaining several Turks to coffee, including a Turkish policeman. Even the Greek mukhtar has a portrait of Kemal Ataturk, the founder of the Turkish state, hanging on the wall of his office.

DAILY MIRROR, 21.6.1978

Banish Turks, say Turks

By David Tattersall

A campaign has sprung up in Cyprus to send immigrant Turks home — and it's led by the Turks.

Since Turkish invasion and partition of Cyprus in 1974 about 40,000 immigrants from Turkey have flooded into the Mediterranean island.

And local Turks, who number about 120,000, don't like it a bit.

The newcomers, most of them peasants from Eastern Turkey, are being blamed for a wave of crime and violence.

Following the kidnapping of a 17-year-old Turkish Cypriot girl by two Turkish settlers, there have been loud demands that the immigrants be sent home.

Dr. Fazil Kuchuk, a former Turkish vice-president of Cyprus, says the settlers are "jail-birds, parasites, rapists, gamblers, drug smugglers and thugs" who are turning an island paradise "into hell."

"These people are completely illiterate. In their original villages they had no friends other than the trees around them.

"People who are as impolite and uncivilised as to spit in the face of the police should be sent back to their villages."

The Turkish Cypriot Patriotic Women's Association says that "abductions at gunpoint" have become frequent.

But the Turkish Cypriot Teachers Trade Union says the immigrants are only partly to blame.

They say the immigrants have been "uprooted and banished" to Cyprus as a deliberate Turkish policy.

Mr. Rauf Denktash, the Turkish Cypriot leader, denies this.

He claims that only a few thousand technicians and seasonal workers have been imported from the Turkish mainland.

But it now seems clear that there has been large-scale and systematic colonisation of the lands conquered by the Turks from the Greek Cypriots four years ago.

Many Turkish Cypriots are now realising that they have more in common with Greek Cypriots than with the immigrants from mainland Turkey.

While a solution to the Cyprus problem is still remote, this may help bring the two sides closer.

"POLITIKEN", 4.3.1979

Cyprus in pursuit of its treasures from the antiquity which the Turks have robbed and sold

By William Grunstrup

The Turkish occupation of the northern part of Cyprus (since 1974) has not only lead to serious political and economical consequences for the country. The cultural heritage, one of the oldest in the world, is also threatened by the occupation forces which now are in full swing selling out the newly acquired riches.

While the invasion took place numerous antique objects, icons and other byzantine pieces of art were destroyed. The Cypriot authorities have tried to estimate the losses but still without success as the Greek Cypriots are refused admittance to the northern Turkish held area. The 82 years old painter Ioannis Kasialos, was killed during the invasion. Several of his works were cut to pieces or burned. Others have turned up at high prices at art galleries in the west.

The Cypriot authorities have sought protection of their antiquities through the U.N. and have requested that UNESCO establishes a permanent mission in Cyprus to secure that the Cypriot cultural heritage remains within the country's territory.

In the occupied part it is especially the churches and the ancient tombs which have suffered. These places have been looted of whatever was assumed to be of artistic or archacological value. Two years ago 60 such items turned up in the French town Lyon. The authorities in Nicosia have bought up twenty of these items mainly small statues and vases for a total amount of £5,250.- But the remaining 40 items have disappeared, probably into private collections.

Recently the Director of the Cypriot national museum, Mr. Vassos Karageorgis, made an important discovery at antique dealer Dreich-Sprendlingen near Frankfurt. The Cypriot authorities have for many years been trying to find a 20 cm high bronze stand on wheels equipped with four heads. It is from the 12th century B.C. and had disappeared in 1972 from a Turkish controlled village near Famagusta.

It is with a hard pressed economy, that the Cypriot authorities must now buy back the antique items. The result of the invasion in 1974, was that Turkey took over the northern part from where 70% of the country's total national product used to be produced.

The antique dealer in Frankfurt had tried to sell the bronze-stand to Louvre in Paris. According to international agreements the French museum informed the authorities about the offer. Nicosia succeeded after long time bargaining to make the German antique dealer sell the finding for 49,000 G. Marks instead of the 100,000 G. Marks he had originally been asking for. The antique dealer said, that he bought the stand from a Turkish guest worker for an amount he does not want to reveal.

Urged by the last important findings in their search all over Europe and the U.S.A., the Greek Cypriots are continuing to chase the stolen antiquities and objects of art, many of them from the 16th to the 12th century B.C., when Cyprus became hellinized during the emmigration from the Greek center of civilisation, Mykene.

NRC—HANDELSBLAD, 4.7.1979

Trick conceals flood of Turks to Cyprus

By Michael Stein, editor

In order to permanently alter the demographic character of Cyprus the Turkish Cypriot inhabitants have received new names from their authorities. On the street policemen regularly ask them for their identities. Whoever makes a mistake and gives his former name risks being beaten up.

Although these practices have been going on for quite some time, and the Greek Cypriot authorities are no doubt aware of them, they have never published them. Possibly they did not regard what happened to their Turkish Cypriot compatriots under the Turkish occupation as being important. On the other hand they did make a fuss about the fact that villages with Greek names were systematically Turkicised.

Now, however, a Greek Cypriot has supplied us with documents belonging to a Turkish Cypriot who has left the island but in consideration of the safety of relatives left behind, wishes to remain anonymous.

In the back of the travel document issued by the "Turkish Federal State of Cyprus" is an annotation stating that the bearer has received a new surname. His birth certificate too bears his new name without stating that he ever had another name. This annotation is also left out of his passport, issued by the Republic of Turkey. He needed this passport because with his Turkish Cypriot travel document he cannot enter any other country except Turkey.

Immigration

By these changes of names the Turkish Cypriot authorities are attempting to cover up the enormous emigration of Turks from the mainland to the island since 1974. How many Turks have been brought to the north east of Cyprus in the last few years in order to increase the Turkish population of Cyprus is unknown. Turkish Cypriots, who generally have very bad relations with the far more backward newcomers, believe that more than 100,000 mainland Turks have already moved into previously Greek-Cypriot houses. This is an enormous increase when one considers that the original number of Turkish Cypriots was 120,000 of the total Cypriot population of 600,000.

It is certain that the changes of names are not meant exclusively as an imitation of Atatürk's Turkey to give people a fixed surname. In the Islamic world it is usual to indicate identity by adding the first name of the father, grandfather, and sometimes great-grand-father after the first name. Practices like these cause problems in a modern society.

That modernisation is clearly not the only aim of the name changes in northern Cyprus, however, is apparent from the fact that the population records are also 'adapted' to political requirements. According to the accusations, which we could not verify, it seems that villages that counted but few Turkish speaking inhabitants now have infinitely more Cypriot born and raised Turks included in their population registers. Because many population records were destroyed or fell into Turkish hands during the 1974 war it is now very easy to supply the immigrants with fictitious Cypriot home towns. If it comes to real negotiations between the Greek and Turkish Cypriots—and at the moment this does not appear at all likely—then the Turkish Cypriots can, on account of a surprising increase in population, lay claim to a larger part of the island.

LE MONDE, 13-14.1.1980

L'île mutilée

Grand voyageur amoureux de la Grèce, l'écrivain Jacques Lacarrière est allé se promener à Chypre. Ce qu'il a vu l'a bouleversé. Il dit ici sa tristesse et sa colère.

Par Jacques Lacarrière

Dès la nuit tombée, le vieux quartier de Nicosie devient une ville fantôme. Tous les magasins ferment, les rues se vident, on se promène dans un immense décor sans âme. A peine, ici ou là, une lueur à une fenêtre. Mains où sont donc les habitants? Ils sont plus loin, au-delà des remparts, dans les nouveaux quartiers qui se bâtissent à toute allure. Depuis l'occupation turque, la ville s'est déplacée, a gagné vers le sud et il ne reste plus ici, en son cœur historique, que quelques obstinés et la blessure partout visible de la "ligne verte". La ligne verte, c'est la frontière séparant les quartiers occupés par les Turcs de la partie grecque de la ville.

A tout moment, on la rencontre et on s'y heurte: barbelés, sacs de sable, casemates, miradors. Et partout des inscriptions en turc, en grec et en anglais: "Zone militaire. Stationnement et photographies interdits." Les drapeaux grecs et les turcs flottent à quelques mètres les uns des autres. Dans la journée, ce face-à-face apparaît peu visible, si l'on n'y prête pas spécialement attention. Mais la nuit, il redevient une veille tendue, permanente. Dans la casemate où je pénètre, après avoir longtemps parlementé avec la sentinelle, on comprend que Chypre vit toujours en temps de guerre.

Par la meurtrière, j'aperçois le poste turc à quelques mètres. On entend distinctement toutes les conversations. D'ailleurs, en beaucoup d'endroits de la ville, la largeur d'une simple rue sépare les deux postes. On pourrait se tendre la main d'une meurtrière à l'autre. Le miracle est que, depuis cinq ans que dure ce face-à-face, aucune étincelle n'ait mis le feu aux poudres. Mais, à Chypre, on apprend vite à connaître les Chypriotes. A s'apercevoir que, à l'inverse des Grecs, ce sont des gens calmes, posés, nullement fantarons et profondément pacifiques. C'est sans doute pour cela que Chypre a toutes les apparences d'une île en paix. Mais dès qu'on parcourt la nuit ces vieux quartiers de Nicosie, qu'on suit à travers ruelles, ruisseaux et terrains vagues les sinuosités imprévisibles de ce front silencieux, de cette paix armée, on devine que la ville vit au bord de l'abîme, qu'elle survit sous la menace constante de trente mille soldats turcs occupant le tiers de l'île.

Liberté surveillée

Parfois, comme en ce quartier des forgerons et des soudeurs, ateliers et magasins sont à 5 mètres à peine des postes turcs. Dans la journée, chacun travaille sous le regard goguenard de l'adversaire, chacun vaque comme s'il était libre, alors que ce quartier, que la ville, que Chypre tout entière vivent en liberté surveillée.

Si demain l'armée turque—qui n'en est pas à une violation près des résolutions des Nations unies—décidait d'agrandir ou de renforcer son dispositif de défense, ce ne sont pas les anges blondinets de l'ONU, la plupart soldats scandinaves passant leur temps à flâner sur des jeeps immaculées, qui pourraient les en empêcher.

Occupés, scindée en deux parties comme le fut Jérusalem et comme l'est Berlin, Nicosie est une ville blessée tout comme Chypre est une île meurtrie. Rappelons que dans les mois qui ont suivi l'invasion turque de juillet 1974 il a fallu que les six cent mille habitants de la partie restée grecque reçoivent, nourrissent, hébergent, intègrent deux cent mille réfugiés grecs. Voilà le nouveau sort de Chypre: un réfugié pour trois habitants. Aussi, partout, l'île regorge-t-elle de camps.

Autrefois, quand ils devaient quitter leur village menacé par les Turcs, les paysans grecs ne portaient jamais sans emporter l'icône familiale, quelques ossements des ancêtres et un peu de terre du pays. Avec ces trois poignées de souvenirs, ces miettes de sacré, ils avaient le sentiment d'être reliés encore au lieu natal, de ne pas être tout à fait des exilés. Mais ici, dans ces camps où vivent toujours quelques dizaines de milliers de réfugiés, nul n'eut le temps d'emporter ossements, ou icônes, ou poignées de terre. Et rien ne les relie au sol perdu, à la patrie toute proche, mais devenue inaccessible.

L'exil est d'autant plus cruel que tout ici—la langue, le paysage, les coutumes et jusqu'à l'odeur des bananiers et des bougainvillées leur rappelle le village natal. On ne soupçonne pas combien il a fallu d'efforts, de persévérance, de perspicacité aux autorités chypriotes pour arriver en moins de cinq ans à absorber sans conséquences dramatiques le tiers de la population de l'île. D'abord installés sous des tentes provisoires, les réfugiés sont aujourd'hui logés dans des baraques en bois et, même, pour beaucoup d'entre eux, dans des maisonnettes en dur qu'on voit maintenant par centaines avec leurs jardins et leurs capteurs solaires.

Villages de corons blancs et lumineux. Bien des pays, qui ont encore sur leur sol des réfugiés installés depuis des années dans des tentes, devraient prendre exemple sur Chypre. Mais ce n'est là, bien sûr, qu'un remède provisoire, un palliatif en attendant la solution du problème chypriote. *"On ne remerciera jamais assez le gouvernement pour tout ce qu'il a fait pour nous"*, me dit une vieille, qui va faire cuire son pain dans un four rustique, en pierres et terre battue, reconstruit ici exactement tel qu'il était là-bas. *"On nous a logés, nourris, soignés. On nous a trouvés à tous du travail. Mais, même ainsi, ce n'est pas une solution. On veut retourner chez nous, retrouver nos terres, notre maison... si elle existe encore ! Dites, ce sera pour bientôt, monsieur? Vous savez quelque chose?"* Non ! Je ne sais rien. Si ce n'est que pour la troisième fois, l'ONU a exigé le retrait des troupes turques d'occupation et que ces troupes sont toujours là, bien décidées à ne pas s'en aller et à transformer le provisoire en définitif.

Vers le sud, le paysage devient plus désertique encore qu'autour de Nicosie. Pendant des heures, la voiture longe des terres arasées au sol d'un rouge sombre, une désolation d'herbes sèches et jaunies. Chaque fois qu'ici et là se dresse une maison, un arbre ou des buissons, on se demande: mais où puisent-ils l'eau? En ce sol trop pauvre, trop desséché et trop calcaire, seuls poussent les caroubiers, les oliviers et la vigne. Des vignes, on en voit partout, jusqu'au bord de la mer, et certains vins rouges portent encore les noms francs des croisades: com-

manderie et coeur-de-lion. Là aussi, en ces régions défavorisées, il a fallu installer des camps de réfugiés. L'un d'eux, près de Limassol, à Colossi, jouxte presque les immenses hôtels pour touristes, vides six mois sur douze, et qui offrent, à deux pas des baraques surchauffées, leur luxe climatisé pour voyageurs aseptisés.

Disparition des disparus

A deux pas—ou deux brasses d'ici,—Vénus a surgi des eaux, sur un rivage de galets blancs, crissants et lisses, qui s'entrechoquent *"avec les cris blancs de l'amour"*, comme le dit un poème sur Chypre. Elle est bien oubliée—sauf des dépliant touristiques—la naissance de Vénus... Que dirait-elle, aujourd'hui elle qui apporta au monde un message d'amour et de désir, qu'on s'empresse d'ailleurs de censurer, que dirait-elle de la haine qui coupe cette île en deux? De cette terre mutilée, des milliers de paysans chassés de chez eux, des maisons pillées, dévastées, sans parler des deux mille Grecs dont on est sans nouvelle depuis l'invasion turque de 1974?

"Erreur. Il n'y a pas de disparus", a déclaré récemment le chef de la communauté turque de l'île. Là encore, les Turcs ont dû perdre leurs oreilles. Il n'y a pas de disparus, il n'y a que des oubliés. Mais pourquoi, alors, les autorités turques éludent-elles systématiquement toutes les réponses, toutes les rencontres à propos de ce problème? D'accord! Il n'y a pas de disparus, il n'y a pas de réfugiés, il n'y a pas de soldats turcs dans l'île, il n'y a pas de problème chypriote! Et pourtant, cette île ne peut continuer à vivre séparée, mutilée, elle qui fut au contraire, et pendant des générations, le lieu de la coexistence heureuse et pacifique entre deux ethnies, deux cultures et deux religions différentes, le mariage—avec séparation des bi—du christianisme et de l'islam, et la preuve que, justement, Grecs et Turcs peuvent vivre et travailler ensemble quand la Turquie et quand le Grèce ne s'en mêlent pas.

Il y a un problème chypriote. Il y a des soldats turcs dans l'île, il y a des réfugiés et il y a des disparus. Le sourire que l'on fait aux touristes, le soleil qui brille toute l'année, la mer qui ne cesse de vous inviter à ses noces, ne peuvent cacher le chagrin silencieux de tous les Chypriotes. Encore une fois, Chypre n'est pas la Grèce, et les gens, ici, n'ont nullement l'humeur fanfarone, revancharde, des Grecs. Ils n'en ont que plus de mérite à assumer une détresse quotidienne, un avenir pratiquement sans issue tant que l'île n'aura pas retrouvé son statut d'avant l'invasion, tant qu'elle ne sera pas redevenue une et unie. Elle ne saurait devenir—comme l'écrit un défenseur passionné, mais maladroit, de Chypre—un quelconque bastion de l'Occident contre l'islam. Nous ne sommes plus au temps des croisades! L'islam, ici, a toujours en sa place, et il a su coexister sans drame avec l'orthodoxie. Témoins ces églises et ces mosquées qu'on voit côte à côte dans presque chaque village de Chypre. Un paysan chypriote me l'a dit, au cours d'une halte dans l'un d'eux: *"Les Turcs de Chypre peuvent revenir quand ils veulent. Leur mosquée, c'est nous qui la protégeons. Ils la retrouveront intacte et telle qu'ils l'ont laissée."* Espérons que les Turcs font de même dans leur zone avec les églises. Espérons.