

**Illegal "sale" of Greek Cypriot property in the area of Cyprus
under Turkish Military Occupation**

As a result of the illegal Turkish invasion and occupation of the northern part of Cyprus, approximately 200,000 Greek Cypriots, who lived in the area currently occupied by Turkey, were compelled by force to leave their properties and to move to the government controlled area. Their properties were then illegally expropriated by Turkey and its subordinate local administration and passed on mainly to Turkish mainland settlers who were brought in from Turkey as part of the illegal colonization policy of the occupied area of Cyprus by Ankara.

Since then, the U.N. Security Council has adopted a series of resolutions (especially 541 (1983) and 550 (1984)) recognizing the Government of the Republic of Cyprus as the only legal Authority in the entire territory of the Republic and calling "upon all states not to recognize the purported state of the "TRNC" set up by secessionist acts... [and] not to facilitate or in any way assist the aforesaid secessionist entity".

Furthermore, the case of the violation of the human rights of Greek Cypriots by Turkey, in general, and of their property rights, in particular, were brought before the European Court of Human Rights. In the four cases that the ECHR issued its ruling, namely the Loizidou v Turkey judgment (1996, 1998), the Cyprus v Turkey judgment (2001), the Michaelidou Developments Ltd and Tymvios v Turkey judgment (2003) and the Demades v Turkey judgment (2003), the Court found Turkey in complete violation of the fundamental right to property of the Greek Cypriot legal owners.

The aforesaid judgments of the ECHR clearly set out the following points that need to be borne in mind:

1. The administrative practice applied by the subordinate to Turkey local administration in the occupied area of Cyprus of issuing "title deeds" to the new occupants of properties belonging to Greek Cypriots situated in the occupied area of Cyprus is based upon the so-called "legislative" and "constitutional" provisions of the said administration, which in no case whatsoever can be attributed any legal validity.

2. Greek Cypriot owners cannot be deemed to have lost their properties and have always remained and will continue to remain the ONLY true and lawful owners of their properties in the occupied area of Cyprus.

The only recent and belated compliance of Turkey with the 1998 ECHR judgment in the Loizidou v Turkey case undeniably proves that Turkey accepts the ruling of the Court, namely that Mrs. Loizidou, and all other dispossessed owners for that matter, are still "...the legal owner[s] of the land..." and that Turkey "actually exercises detailed control over the

policies and actions of the authorities of the "TRNC"... [and] that her army exercises effective overall control over that part of the island".

Further to the above, it must be stressed that the only legal authority in Cyprus is the Government of the Republic of Cyprus and no other organ can exist with the legality and the authority to execute any act in the realm of public life, including the transfer of property rights.

Moreover, it should also be borne in mind that purchasers, particularly those domiciled in the UK, who essentially "buy" property which does not belong to the "seller", run the risk of being sued at any time by the Greek Cypriot owners, many of whom are also domiciled in the UK, before the British Courts for trespass, or conspiracy to commit trespass, to such properties. Similar actions based on tort could very well be brought before the Courts of the Republic of Cyprus.

Finally, even the Annan Plan acknowledges the right of all dispossessed owners to their properties in the occupied area of Cyprus by virtue of the fact that it provides them with the right, as lawful owners of their properties, to decide on either the reinstatement of their property or their full compensation.

Therefore, entering into a "deal" for the purchase of immovable property belonging to Greek Cypriots situated in the area of Cyprus under Turkish military occupation, constitutes an ILLEGAL ACT which could expose the "purchaser" to grave legal and financial consequences. In addition to that, purchasers have no legal title deed after the conclusion of such a "deal", as no title can be legally obtained from the current "sellers" who are not the legal owners of the said property.

The present message sets out a TRUE LEGAL position in this matter, as upheld by an independent and internationally recognized judicial body, namely the European Court of Human Rights. It does not contain any political argumentation, nor it is intended to convey political messages. It must, however, be borne in mind by persons who intend entering into such "deals" and by those who have already done so, that Greek Cypriot property owners have been the victims of flagrant violations of their inalienable right to enjoyment of their properties and that for every day that such violations continue the lawful owners of properties are determined to make use of every legal tool before national or international organs to protect their rights against any person or entity violating their rights.