

Attempts to Physically Destroy the Greek Cypriots When Turkey invaded Cyprus in 1974 the Turkish forces carried out systematic mass killings, rapes and ethnic cleansing directed solely against the Greek Cypriots. They also subjected the Greek Cypriots to systematic torture, inhuman treatment and deprived them of their property and liberty. Nothing was done to prevent these crimes from taking place because they were part of a deliberate attempt to bring about the physical destruction of the Greek Cypriots. These crimes against humanity continued to be perpetrated even after a ceasefire was called and further crimes including illegal colonisation were perpetrated in order to bring about the Greek Cypriots physical destruction in occupied Cyprus.

In its judgement concerning Turkey's invasion in Cyprus and aftermath (20 JULY 1974 - 18 MAY 1976) the European Commission of Human Rights decided the following:

Killings

By 14 votes to 1 the Commission, after examining a number of killings at specific places, held that the evidence before it constituted "strong indications of killings committed on a substantial scale" (para.346). The Commission concluded: "In view of the very detailed material before it on other killings alleged by the applicant Government, the Commission, by fourteen votes against one, concludes from the whole evidence that killings happened on a larger scale than in Elia. There is nothing to show that any of these deprivations of life were justified..." (Report, p.165)

Displacement of persons:

1. The Commission concludes by thirteen 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 violated, and was continuing to violate Art. 8 of the Convention in all these cases. When hostilities ended some Greek Cypriots were able to return to their homes near the cease-fire lines in areas under UN or Government control thus reducing the number of refugees to 170,000.
2. The Commission concludes by twelve votes against one that, by the eviction of Greek Cypriots from houses, including their homes, by their transportation to other places within the north of Cyprus, or by their deportation across the demarcation line, Turkey has equally violated Art. 8 of the Convention.
3. The Commission concludes by thirteen votes against one that by the refusal to allow the return to their homes in the north of Cyprus of several thousand Greek Cypriots who had been transferred to the south under inter-communal agreements, Turkey violated, and was continuing to violate Art. 8 of the Convention in all these cases.
4. The Commission concludes by fourteen 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 violated Art.8 of the Convention." (Report, p.163). "The Commission has found violations of a number of Articles of the Convention. It notes that the acts violating the Convention were exclusively directed against members of one of the two communities in Cyprus, namely the Greek Cypriot community. The Commission concludes by eleven votes to three that Turkey has thus failed to secure the rights and freedoms set forth in these Articles without discrimination on the grounds of ethnic origin, race and religion as required by Art.14 of the Convention (Report, para. 503)

Deprivation of Liberty:

Detention centers

1. The Commission, by thirteen votes against one, concludes that, by the confinement of more than two thousand Greek Cypriots to detention centres established in schools and churches at Voni, Gypsou and Morphou, Turkey has violated Art.5(1) of the Convention.

2. The Commission by thirteen votes against one, further concludes that, by the confinement of Greek Cypriots to private houses in Gypsou and Morphou, where they kept under similar circumstances as in the detention centres, Turkey has equally violated Art.5(1).

3. The Commission, by ten votes against two with two abstentions, finally concludes that, by the CONFINEMENT of Greek Cypriots to the Kyrenia Dome Hotel after 14 August 1974, Turkey has again violated Art.5(1). Prisoners and detainees

1. The Commission, by thirteen votes against one, concludes that the detention of Greek Cypriot military personnel in Turkey was not in conformity with Art.5(1) of the Convention.

2. The Commission, by thirteen votes against one, concluded that the DETENTION of Greek Cypriot civilians IN Turkey was equally not in conformity with Art.5.(1)" (Report, p.164).

Evidence on missing persons: The evidence before the Commission 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/occupied/part of Cyprus and to places in Turkey where Greek Cypriot prisoners were or had been detained. 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'etat which on 15 July 1974 preceded the above action... 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" 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. 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" (Report, paras. 347-349, and 351) **Mass Rapes:**

" 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.

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" (Report, paras. 373-4)

Deprivation of possessions, looting and wanton destruction

"The Commission accepted that the 170,000 Greek Cypriots displaced from the occupied area had left behind their movable & immovable possessions and referred to "the established fact that these displaced persons are not allowed to return to their homes in the north, and thus to property left there" (Report para.471)

The Commission went on to find "proof of taking and occupation of houses and land by Turkish Cypriots and Turks from the mainland, both military personnel and civilians" (Report para. 472) Moreover the Commission accepted " testimony as proving beyond reasonable doubt that looting and robbery on an extensive scale by Turkish troops and Turkish Cypriots have taken place... As regards such deprivations of possessions by Turkish Cypriots, the Commission considers that, insofar as the persons committing them were acting under the direct order or authority of the Turkish forces of which there is evidence, the deprivation must equally be imputed to Turkey under the Convention..."

Torture and inhuman treatment:

" The Commission by twelve votes against one,concludes that prisoners were in a number of cases physically ill-treated by injuries and at least in one case the death of the victim. By their severity they constitute "inhuman treatment" and thus violations of Art.3, for which Turkey is responsible under the Convention.

The Commission by twelve votes against one, concluded that the withholding of an adequate supply of food and drinking water and of adequate medical treatment from Greek Cypriot prisoners held at Adana and detainees in the northern area of Cyprus, with the exception of Pavlides Garage & Saray prison, again constitutes, in the cases considered as established and in the conditions described, "inhuman treatment" and thus a violation of Art.3, for which Turkey is responsible under the Convention" (Report, pp.165-166) The Commission did not find sufficient evidence that prisoners held in these two locations in the Turkish sector of Nicosia were guarded by Turkish soldiers - as opposed to Turkish-officered Turkish Cypriot "forces" (para. 308)

"The evidence obtained established that, in a considerable number of cases prisoners were severely beaten or otherwise physically ill-treated by Turkish soldiers" (Report, para.393)

The Commission, by twelve votes against one,concludes that the written statements submitted by the applicant Government constitute indications of ill-treatment by Turkish soldiers of persons not in detention" (Report, p.166) 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 any of these interferences were necessary for any of the purposes mentioned in Article 1 of Protocol No.1" (Report, paras 472-486)

In its judgement concerning Turkey's invasion in Cyprus and aftermath (19 MAY 1976 - 10 FEBRUARY 1983) the European Commission of Human Rights decided the following:

Missing Persons:

The Commission, having found it established in three cases, and having found sufficient indications in an indefinite number of cases, that Greek Cypriots who are still missing were

unlawfully deprived of their liberty, in Turkish custody in 1974, noting that Turkey has failed to account for the fate of these persons, concludes by 16 votes against one that Turkey has violated Article 5 of the Convention.

Displacement of persons and separation of families

The Commission concludes by thirteen 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 Cyprus, Turkey violated and was continuing to violate Article 8 of the Convention in all these cases.

The Commission concludes by twelve 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 the deportation across the demarcation line, Turkey has equally violated Article 8 of the Convention.

The Commission concludes by thirteen 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 inter-communal agreements, Turkey violated, and was continuing to violate Article 8 of the Convention in all these cases.

The Commission concludes by fourteen 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 violated Article 8 of the Convention. **Deprivation of possessions:**

The Commission by twelve 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 any of these interferences were necessary for any of the purposes mentioned in Article 1 of Protocol 1. The Commission concludes that this provision has been violated by Turkey. **Deprivation of liberty:**

1. Enclaved persons

The Commission, by eight votes against five and with two abstentions, concludes that the curfew imposed at night on enclaved Greek Cypriots in the north Cyprus, while a restriction of liberty, is not a deprivation of liberty within the meaning of Article 5(1) of the Convention. The Commission, by twelve votes against two abstentions, further concludes that the alleged restrictions of movement outside the built-up area of villages in the north Cyprus would fall within the scope of Article 2 of Protocol No. 4, not ratified by either Cyprus or Turkey, rather within the scope of Article 5 of the Convention. It is therefore unable to find a violation of Article 5 insofar as the restrictions imposed on Greek Cypriots in order to prevent them from moving freely outside villages in the north of Cyprus are imputable to Turkey. **2. Detention centers**

The Commission, by thirteen votes against one, concludes that, by the confinement of more than two thousand Greek Cypriots to detention centers established in schools and churches at Voni, Gypsou and Morphou, Turkey has violated Article 5(1) of the Convention.

The Commission, by thirteen votes against one, further concludes that, by the confinement of Greek Cypriots to private houses in Gypsou and Morphou, where they were kept under similar circumstances as in the detention centers, Turkey has equally violated Article 5(1).

The Commission, by ten votes against two with two abstentions, finally concludes that, by the confinement of Greek Cypriots to the Kyrenia Dome Hotel after 14 August 1974, Turkey has

violated Article 5(1). 3. Prisoners and detainees

The Commission, by thirteen votes against one, concludes that the detention of Greek Cypriot military personnel in Turkey was not in conformity with Article 5(1) of the Convention.

The Commission, by thirteen votes against one, concludes that the detention of Greek Cypriot civilians in Turkey was equally not in conformity with Article 5(1).

Considering that it was unable to establish the imputability to Turkey under the Convention of the detention of 146 Greek Cypriots at Saray prison and Pavlides Garage in the Turkish sector of Nicosia, the Commission, by ten votes against two abstentions, does not consider itself called upon to express an opinion as to the conformity with Article 5 of the Convention of the detention of Greek Cypriot prisoners in the north of Cyprus.

The Commission by fourteen votes against none, with two abstentions, has not found it necessary to examine the question of a breach of Article 5 with regard to persons accorded the status of prisoners of war.

The Commission by seven votes against six with three abstentions, decided not to consider as a separate issue the effect of detention on the exercise of the right to respect for one's private and family life and home (Article 8 of the Convention). **Deprivation of Life:**

"The Commission, by fourteen votes against one, considers that the evidence before it constitutes very strong indications of violations of Article 2 of the Convention by Turkey in a substantial number of cases. The Commission restricted the taking of evidence to a hearing of a limited number of representative witnesses and the Delegation, 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 Article 2.

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

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

Ill-treatment The Commission, by twelve votes against one, finds 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.

The Commission, by twelve votes against one, concludes that prisoners were in a number of cases physically ill-treated by Turkish soldiers. These acts of ill-treatment caused considerable injuries and at least in one case the death of the victim. By their severity they constitute "inhuman treatment" and thus violations of Article 3, for which Turkey is responsible under the Convention.

The Commission, by twelve votes against one, concludes that the withholding of an adequate supply of food and drinking water and of adequate medical treatment from Greek Cypriot prisoners held at Adana and detainees in the northern area of Cyprus, with the exception of Pavlides Garage and Saray prison, again constitutes, in the cases considered as established and in the conditions described, "inhuman treatment", and thus a violation of Article 3, for which Turkey is responsible under the Convention. **Discrimination:**

"Having found violations of a number of Articles of the Convention, the Commission notes that the acts violating the Convention were exclusively directed against members of one of two communities in Cyprus, namely the Greek Cypriot community. It concludes by eleven

votes to three that Turkey has thus failed to secure the rights and freedoms set forth in these Articles without discrimination on the grounds of ethnic origin, race, religion as required by Article 14 of the Convention. " **No Remedy:**

The Commission by thirteen votes against one and with two abstentions, has found no evidence that effective remedies, as required by Article 13 of the Convention, were in fact available.

In its judgement concerning Cyprus vs. Turkey (and aftermath (application no. 25781/94) the

European Court of Human Rights decided the following crimes had been perpetrated by Turkey against the Greek Cypriots: Greek-Cypriot missing persons and their relatives a continuing violation of Article 2 (right to life) of the Convention concerning the failure of the authorities of the respondent State to conduct an effective investigation into the whereabouts and fate of Greek-Cypriot missing persons who disappeared in life-threatening circumstances;

a continuing violation of Article 5 (right to liberty and security) concerning the failure of the Turkish authorities to conduct an effective investigation into the whereabouts and fate of the Greek-Cypriot missing persons in respect of whom there was an arguable claim that they were in Turkish custody at the time of their disappearance;

a continuing violation of Article 3 (prohibition of inhuman or degrading treatment) in that the silence of the Turkish authorities in the face of the real concerns of the relatives attained a level of severity which could only be categorised as inhuman treatment.

Home and property of displaced persons

a continuing violation of Article 8 (right to respect for private and family life, home and correspondence) concerning the refusal to allow the return of any Greek-Cypriot displaced persons to their homes in northern Cyprus;

a continuing violation of Article 1 of Protocol No. 1 (protection of property) concerning the fact that Greek-Cypriot owners of property in northern Cyprus were being denied access to and control, use and enjoyment of their property as well as any compensation for the interference with their property rights;

a violation of Article 13 (right to an effective remedy) concerning the failure to provide to Greek Cypriots not residing in northern Cyprus any remedies to contest interferences with their rights under Article 8 and Article 1 of Protocol No. 1.

Living conditions of Greek Cypriots in Karpas region of northern Cyprus

a violation of Article 9 (freedom of thought, conscience and religion) in respect of Greek Cypriots living in northern Cyprus, concerning the effects of restrictions on freedom of movement which limited access to places of worship and participation in other aspects of religious life;

a violation of Article 10 (freedom of expression) in respect of Greek Cypriots living in northern Cyprus in so far as school-books destined for use in their primary school were subject to excessive measures of censorship;

a continuing violation of Article 1 of Protocol No. 1 in respect of Greek Cypriots living in northern Cyprus in that their right to the peaceful enjoyment of their possessions was not secured in case of their permanent departure from that territory and in that, in case of death, inheritance rights of relatives living in southern Cyprus were not recognised;

a violation of Article 2 of Protocol No. 1 (right to education) in respect of Greek Cypriots living in northern Cyprus in so far as no appropriate secondary-school facilities were available to

them;

a violation of Article 3 in that the Greek Cypriots living in the Karpas area of northern Cyprus had been subjected to discrimination amounting to degrading treatment;

a violation of Article 8 concerning the right of Greek Cypriots living in northern Cyprus to respect for their private and family life and to respect for their home;

a violation of Article 13 by reason of the absence, as a matter of practice, of remedies in respect of interferences by the authorities with the rights of Greek Cypriots living in northern Cyprus under Articles 3, 8, 9 and 10 of the Convention and Articles 1 and 2 of Protocol No. 1. According to international law this continues a crime of genocide perpetrated by Turkey against the Greek Cypriots under Article 2 (c) of the Convention on the Prevention and Punishment of the Crime of Genocide, by "Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part".

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