

Turkey faces huge payout for homes in Cyprus

- Court of human rights orders compensation
- Greek Cypriots to be paid for lost land in north

Ewen MacAskill, diplomatic editor
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Turkey will have to pay hundreds of millions of pounds in compensation to Greek Cypriots who lost their land and homes during the invasion of northern Cyprus in 1974, the European court of human rights ruled yesterday.

At the end of a long-running dispute over land possession in the divided island the court ordered Turkey to put in place an effective mechanism for reparations for Greek Cypriots who either fled or were forced out. More than 200,000 refugees, including Turkish Cypriots displaced from Greek Cyprus, were uprooted by the civil war and invasion.

The land dispute is intertwined with a series of other issues, including a UN peace initiative, Turkish accession to the European Union and, on a more modest scale, a court case in which Cherie Booth is representing a British couple.

The ruling is in relation to a case brought by Myra Xenides-Arestis, a Greek Cypriot born in 1945 and living in Nicosia. She owns a plot in Famagusta, in Turkish-controlled northern Cyprus, which was given her by her mother, but is denied access.

The court said its ruling on reparations by Turkey applied both to her and to some 1,400 similar, and pending, cases.

The court said: "Such a remedy should be available within three months and redress should occur three months after that."

The partition uprooted 165,000 Greek Cypriots and 60,000 Turkish Cypriots. Each side unilaterally redistributed properties. Many British holidaymakers took advantage of cut-price properties but are now facing legal challenges.

The Greek government, which champions the Greek Cypriot case, yesterday welcomed the ruling. Nikos Papaconstantinou, a spokesman for the Greek embassy in London, said that Greek Cypriots "have sovereign title rights to property and that is something the European court recognises and Turkey should do something about it if it is serious about joining the European Union. It can't put these issues under the rug."

The Turkish foreign ministry issued a statement saying it believed changes made by the parliament in Turkish Cyprus on Monday regarding compensation will meet the court's expectations. It added: "Property issues in Cyprus contain complicated elements. However, this legal arrangement offers an important opportunity towards settlement."

Ms Xenides-Arestis's plot includes a shop, a flat and three houses. One of the houses was her home, where she lived with her husband and children, and the rest of the property was either used by members of the family or rented out. She also owns part of a

plot with an orchard.

The court said she has been prevented from living in her home or using her property since August 1974 as a result of the continuing division of Cyprus.

She complained of a continued breach of the convention on human rights that includes respect for home and property. She also said that Turkish military forces prevent her from having access to her home and property because she is Greek Orthodox and of Greek-Cypriot origin. The court said her situation differed from the case *Loizidou v Turkey* in 1996 because, unlike Mrs Loizidou, she had actually lived in the Turkish-controlled north.

The court said the Turkish government continued to exercise overall military control over northern Cyprus. It said the fact that the Greek-Cypriots had rejected a UN plan last year did not have the legal consequence of bringing to an end the continuing violation of the rights of displaced persons. The court found she had still to be seen as the legal landowner.

It concluded that there had been, and continues to be, a violation of the convention on human rights "by virtue of the fact that the applicant is denied access to control, use and enjoyment of her property and any compensation for the interference with her property rights".

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