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review essay

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SYSTEMATIC VIOLATION OF FUNDAMENTAL HUMAN RIGHTS IN OCCUPIED CYPRUS BY TURKEY

Summary

Since Turkey's invasion of Cyprus in 1974, hundreds of thousands of individuals of both Greek and Turkish origin have been systematically deprived of their fundamental rights, causing severe harm to the island as a whole and posing a significant risk to international stability in one of the world's most geopolitically sensitive regions. The Turkish Army, as the occupying force, has been responsible for multiple and egregious violations of fundamental human rights, including forced mass displacements, deportations, expulsions, destruction of public and private property, looting of cultural and religious heritage, and extrajudicial executions of both soldiers and civilians in concentration camps. This paper analyzes these violations within the framework of international law, particularly through the lens of the European Convention on Human Rights and other relevant legal instruments. It further examines how these violations have been addressed in resolutions adopted by key international bodies, including the UN Security Council, the UN General Assembly, the Human Rights Commission, the Subcommittee on Prevention of Discrimination and Protection of Minorities, and the Committee on the Elimination of Minorities.

Key Words: Human Rights, Occupied Cyprus, Cyprus and Turkey.

„Λήθη γὰρ ἐπιστήμης ἔξοδος, μελέτη δὲ πάλιν καινὴν ἐμποιοῦσα ἀντὶ τῆς ἀπιούσης
μνήμην σὸζει τὴν ἐπιστήμην, ὥστε τὴν αὐτὴν δοκεῖν εἶναι“.

*“For oblivion is nothing but the escape of knowledge, while study causes a new memory in
place of the fleeting knowledge and thus saves knowledge, so that it appears to be the same”.*

Plato , Symposium

1. HISTORICAL CONTEXT

Due to its strategic geographical location, Cyprus has historically served as a crossroads for numerous cultures and civilizations. Greek settlement on the island dates back to the Mycenaean era. In the 16th century, the island was conquered by the Ottomans, marking the end of Venetian rule. Despite centuries of Ottoman governance, the majority of the island's population retained their Greek identity, while a smaller portion converted to Islam. At the end of the 19th century, Cyprus came under British sovereignty through a treaty, as the Ottoman Empire sought to counter Russian influence. This transition was later solidified with the outbreak of World War I and formally confirmed by the Treaty of Lausanne. Cyprus remained a British Crown Colony until it was granted independence in 1960.

Meanwhile, since the mid-1950s, the Greek Cypriot resistance organization E.O.K.A.¹ was active on the island in order to throw off the British rule and achieve the long-awaited union with motherland Greece.



Flag of the Republic of Cyprus

After negotiations in London and Zurich, with the participation of the three guarantor powers (Great Britain, Greece, and Turkey) and representatives of both communities (Greek Cypriots and Turkish Cypriots), Great Britain granted independence to

¹ National Organization of Cypriot Fighters

Cyprus under a set of conditions. Among these, it retained two sovereign military bases (Dhekelia and Akrotiri). Additionally, both union with Greece and the partition of the island were explicitly prohibited, aiming to deter both sides from pursuing such objectives. The guarantor powers were also bound by the agreement to refrain from aggressive actions against any targets on the island. Following independence, Cyprus became a member of the United Nations and other international and European organizations.

A written Constitution was established for the newly formed Republic, recognizing equality between the two communities. However, the Turkish Cypriot community was granted disproportionately extensive rights in relation to its population size. This imbalance led to intra-community conflicts, escalating tensions on the island. In response, the United Nations Security Council adopted Resolution 186 (1964), leading to the deployment of the United Nations Peacekeeping Force in Cyprus (UNFICYP)² with the primary objective of restoring order.

In August 1964, Turkey carried out aerial bombardments on Cypriot targets in Tylliria, amid threats of a full-scale invasion. This act was unequivocally condemned by United Nations Security Council Resolution 193 (1964) (Lulić & Muhvić, pp. 65–74).

2. THE TURKISH INVASION

The 1974 coup and the subsequent Turkish invasion of Cyprus represent the most significant events in the island's history since its independence. Despite their undeniably tragic consequences, these events became a catalyst for political stabilization and economic reconstruction, ultimately shaping what became known as the "Cyprus Miracle." The final stage of this transformation culminated in Cyprus's accession to the European Union.



The coup d'état orchestrated by the military junta in Athens, Greece, began at approximately 08:00 on the morning of July 15, 1974, catching then-President Archbishop Makarios by surprise. The coup was largely successful, despite fierce resistance at key locations, including the Presidential Palace, the Archbishopric, and the Cyprus Broadcasting Corporation (RIK), where members of the Police Tactical Reserve were stationed. By the end of the day, the coup had effectively taken control of the capital, Nicosia.

Despite the heavy assault on the Presidential Palace, which was met with determined resistance, President Makarios managed to escape and briefly took refuge within the city before fleeing to Paphos. There, he

² UNFICYP : United Nations Peacekeeping Force in Cyprus

broadcast a radio message via Radio Paphos, reassuring the Cypriot people that he was alive. With the support of the British government, he later left Cyprus via the British Sovereign Bases, traveling first to Malta, then to London, and ultimately to New York, where he addressed the United Nations General Assembly.

These rapid developments drew intense interest from Turkey, which had long viewed Cyprus as a strategic objective. The coup provided a pretext for the long-planned invasion and occupation. While condemning both the coup and the Sampson regime, Turkey simultaneously approached Britain for a coordinated response as two of the island's guarantor powers. On July 17, 1974, bilateral talks were held in London, involving both Prime Ministers Wilson and Ecevit and their respective foreign ministers, to discuss potential actions regarding Cyprus.

The illegal Turkish invasion commenced in the early hours of July 20, 1974, with airstrikes by the Turkish Air Force, the reinforcement of the Turkish Cypriot enclave of Nicosia-Agirda with airborne units, and the unopposed landing of Turkish troops at Five Mile Beach, west of Kyrenia.

Despite the intense assault on the Presidential Palace, which was met with determined resistance, President Makarios managed to escape, seeking temporary refuge within the city before fleeing to Paphos. There, he broadcast a radio message via Radio Paphos, reassuring the Cypriot people that he was alive. With the support of the British government, he later departed Cyprus through the British Sovereign Bases, traveling first to Malta, then to London, and ultimately to New York, where he addressed the United Nations General Assembly.

Meanwhile, these turbulent events drew heightened interest from Turkey, which had long viewed Cyprus as a strategic objective. The crisis provided a pretext for the long-planned invasion and occupation. While publicly denouncing both the coup and the Sampson regime, Turkey simultaneously sought British cooperation for a coordinated response as two of the island's guarantor powers. On July 17, 1974, high-level bilateral talks were held in London, attended by Prime Ministers Wilson and Ecevit, along with their respective foreign ministers, to deliberate on possible actions regarding Cyprus.

The illegal Turkish invasion commenced in the early hours of July 20, 1974, with Turkish Air Force airstrikes targeting key locations in Cyprus, the reinforcement of the Turkish Cypriot enclave of Nicosia-Agirda with airborne units, and the unopposed landing of the first wave of Turkish troops at Five Mile Beach, west of Kyrenia.



Map of Cyprus divided after the Turkish invasion

On 30 July 1974, the Foreign Ministers of the three guarantor powers (Callaghan, Mavros, and Güneş) signed the Geneva Declaration, which outlined provisions for the cessation of hostilities, the creation of a security zone between the areas controlled by the opposing forces, the evacuation of Turkish enclaves held by the National Guard, and the exchange of prisoners. The declaration also stipulated their intention to reconvene on 8 August 1974 to discuss the new constitutional framework of Cyprus in the aftermath of the invasion.

Negotiations resumed in Geneva on 8 August 1974, with the participation of Greek and Cypriot delegations, under the presidency of the United Kingdom, represented by Callaghan. However, these talks ultimately collapsed when, on 14 August, Turkey, which had already deployed substantial military assets to Cyprus, initiated hostilities on the eastern front of the island. Meanwhile, in Greece, the military junta had fallen, with the formation of a government under Konstantinos Karamanlis, which made the provision of military aid from Greece to Cyprus increasingly unlikely.

The second phase of the invasion confronted a weakened Cypriot National Guard against a much stronger Turkish army, supported by its Air Force, and the outcome was preordained. After breaking through the Cypriot defensive lines, the Turkish forces advanced into the Mesaoria plain with little resistance. Two days later, a general ceasefire came into effect along the lines where the Turkish forces had halted after capturing several strategic targets (Kazamias, pp. 2-5).

3. TURKEY'S VIOLATION OF INTERNATIONAL HUMAN RIGHTS LAW

The events that occurred in Cyprus during the summer of 1974, along with the resulting humanitarian issues due to the Turkish invasion, were of such a magnitude that they could not be effectively addressed by the state mechanisms of a country that was under-functioning. This was despite the significant assistance provided by international organizations such as the United Nations (U.N.) and the Red Cross (Fiakas, p. 45).

Turkey flagrantly violated not only the fundamental principles of international law as codified in the Genocide Convention, but also the Charter of the United Nations, U.N. resolutions, the International Covenants on Human Rights, the 1949 Geneva Conventions relative to the Treatment of Military and Civilian Persons in Time of War, and the Hague Regulations (Zacharia, 1996). Turkey justified these actions by invoking Article 4 of the Treaty of Guarantee for the island, claiming that this treaty granted it the right to invade and protect the Turkish Cypriot population (Lulić, Muhvić, p. 75).

The reaction of the international community was swift. On the same day as the invasion, the U.N. Security Council unanimously adopted Resolution 353/1974, which called on all states to respect the sovereignty, independence, and territorial integrity of Cyprus. The resolution demanded an immediate ceasefire and the end of foreign military intervention, and called for the Turkish army to withdraw from the island completely, permitting only military personnel present under international agreements to remain.

This resolution further urged the parties involved to implement General Assembly Resolution 3212 on the “Cyprus Question” as soon as possible. Among other things, this resolution “calls upon all states to respect the sovereignty, independence, territorial integrity, and commitment of the Republic of Cyprus,” and “urges the rapid withdrawal of all foreign armed forces and foreign military forces and personnel from the Republic of Cyprus, as well as the cessation of all foreign interference in its domestic affairs.”

Subsequent resolutions, including Resolutions 354, 355, 357, 358, and 359, reiterated the demand for a cessation of hostilities. The resolutions also highlighted the need for refugees to return to their homes in safety. Despite these U.N. Security Council and General Assembly resolutions, Turkey failed to comply (Lulić, Muhvić, p. 76).

In this context, it must be noted that the states that illegally supplied Turkey with weapons used in the 1974 invasion are undoubtedly complicit in the ongoing occupation of Cyprus, as they have kept over 200,000 refugees away from their homes and enabled their companies to plunder Greek property. These states bear responsibility not only under international law but also under their domestic law.

The first Report of the European Commission on Human Rights was based on data gathered until 18 May 1976, covering both Turkish invasions from 20 July to 16 August 1974 as well as the period that followed, 21 months after the cessation of hostilities. The report highlighted the undeniable forcible displacement of the Greek Cypriot population from the northern to the southern part of the island (Zacharia, 1996).

As a result of the Turkish invasion, the tragic humanitarian issue of missing persons also emerged. Approximately 1,474 people, including military personnel, civilians, and children, were either captured by the invading Turkish forces during July and August 1974 or disappeared long after the hostilities had ended in areas under Turkish control (mfa.gov.cy, 2016).

4. TURKEY'S VIOLATION OF THE EUROPEAN CONVENTION ON HUMAN RIGHTS

The European Convention on Human Rights (E.C.H.R.) has served as one of the most effective and secure mechanisms for establishing Turkey's multiple violations of international human rights law (Zacharias, 1996).

The European Court of Human Rights (E.Ct.H.R.) is a prominent international human rights protection body. The principles enshrined in the Convention and its Protocols form the core democratic values of the European continent. The Republic of Cyprus, having ratified the E.C.H.R., has incorporated it into its national legal system, thereby influencing all branches of law (Kostopoulou, p.5).

From the outset, Cyprus invoked the jurisdiction of the European Commission of Human Rights in September 1974, July 1975, and September 1977. This Commission, functioning as an impartial international judicial body, after a comprehensive review of all the evidence, found Turkey guilty of committing serious human rights violations in Cyprus from 1974 onward (Zacharias, 1996).

The E.Ct.H.R. has been, to a great extent, the court to which both the Republic of Cyprus and Cypriot citizens have resorted. The first significant milestone was the decision issued by the Court in the *Loizidou v. Turkey* case [*Loizidou v. Turkey* [1996] ECHR, 15318/89, 18-12-1996], in which multiple offenses, including the violation of the right to property, were recognized. The legacy of *Loizidou* was further reinforced by the decision in the interstate case *Cyprus v. Turkey* in 2001, as well as in a number of subsequent individual applications, where the Court repeatedly referenced Turkey's internationally unlawful actions (Gürel, Özersay, p. 9).

In its decision *Cyprus v. Turkey* [2001] ECHR, 25781/1994, 20-5-2001 of 10 May 2001, the E.Ct.H.R., in the fourth interstate application of Cyprus against Turkey, aligned its reasoning with the general views presented by the Cypriot side. The Court concluded that the applicants owned properties in the northern part of Cyprus, which were illegally and violently deprived from them. It further ruled that there was no reason to differentiate these cases from *Loizidou v. Turkey*. Therefore, based on this rationale, the Court held that there was a violation of Article 1 of the First Protocol (right to property) in these cases. This outcome underscores the significance of the *Loizidou* case for the future of Cypriot applications (Geldis, pp. 69-70).

At the same time, addressing the issue of the human rights violations of the missing persons and their families, the Court ruled that Turkey had committed continuous violations of Articles 2, 3, and 5 of the E.C.H.R. These articles concern the right to life, liberty, and security, as well as the prohibition of inhuman or degrading treatment. Specifically, the Court found that Turkey had failed to conduct an effective investigation into the fate of the missing Greek Cypriots and that its inaction amounted to grossly inhumane treatment (mfa.gov.cy, 2016).

Finally, on 12 May 2014, the E.Ct.H.R. issued another judgment condemning Turkey [Appeal No. 25781/1994], related to the 1,456 missing and trapped Greek Cypriots of Karpasia. The Court awarded €30,000,000 in non-pecuniary damages to the surviving relatives of the missing persons and €60,000,000 for non-pecuniary damages to the trapped residents of the Karpasia Peninsula. These compensations were intended to address the moral damage suffered by the trapped and missing persons, rather than the value of their property or the loss of its use (Geldis, p. 71).

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Др Алексиос ПАНАГОПОУЛОС*
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СИСТЕМСКО КРШЕЊЕ ОСНОВНИХ ЉУДСКИХ ПРАВА НА ОКУПИРАНОМ КИПРУ ОД СТРАНЕ ТУРАКА

Апстракт

Од инвазије Турске на Кипар 1974. године, стотине хиљада људи, како грчког тако и турског порекла, лишено је основних права, што је нанело озбиљну штету целом острву, уз ризик од нарушавања међународног поретка на једној од најосетљивијих локација на свету. Мноштво вишеструких и флагрантних кршења основних људских права, као што су насилна масовна расељавања, депортације, протеривање, уништавање јавне и приватне имовине, пљачка културног и верског наслеђа, погубљења војника и цивила у концентрационим логорима, систематски је вршила турска војска. Овај рад истражује како се ова кршења решавају из перспективе Међународне и Европске конвенције о људским правима како се спроводе и изражавају у различитим резолуцијама које су усвојиле међународне организације као што су Савет безбедности УН, Генерална скупштина УН, Комисија за људска права, Поткомитет за превенцију дискриминације и заштиту мањина и Комитет за истребљење мањина.

Кључне речи: људска права, окупирани Кипар, Кипар и Турска.

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