

International Law and Cultural Heritage Looting and Destruction in Cyprus

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Every few years, news articles and reports by organizations document either the end of disputes in international courts over stolen Cypriot artifacts or their successful repatriation to the country. That these reports are periodic is both heartwarming yet disheartening. Cypriot cultural artifacts are being returned to Cyprus, those who are responsible for theft of antiquities or for having acquired them, including museums, auction houses, and collectors, are being financially penalized, and these cases are being reported on and publicized. Yet, why is it that so many Cypriot artifacts are found in countries other than Cyprus, be it the United States (US), the United Kingdom (UK), the Netherlands, and so on? Why is the tangible cultural heritage of Cyprus subject to widespread looting and destruction? The fundamental answer is the continued occupation of the Northern region of Cyprus by the Government of Turkey since 1974, an occupation as defined and deemed by the International Community as illegal, including by the United Nations Security Council (UNSC), which has constantly reiterated this through its many Presidential Statements and Resolutions relating to Cyprus.

This subject of cultural heritage in Cyprus is of particular interest especially as it pertains to International Law, despite its intricacies and complexities. Cultural Heritage as defined by the United Nations Educational, Scientific, and Cultural Organization (UNESCO) is both tangible and intangible, from architectural marvels, monuments, artifacts, and archeological sites, to music, language and oral tradition, dance, or anything that holds "outstanding value" to history, art, science, and anthropology.¹ Cultural heritage can be both a luxury and a necessity for cultural groups, able to provide social, economic, and educational benefits to domestic as well as global populations. Considering the importance of cultural heritage, the International Community set in place a piece of International Law through the Hague Convention of Cultural Property in the Event of Armed Conflict of 1954 (referred to henceforth as the Hague Convention), which has

remained somewhat static as the most substantial piece of International Law as is related to cultural heritage, as well as its two subsequent protocols, the first in 1954 which was adopted at the same time as the original convention, and the second in 1999. The Hague Convention specifies that states are to provide whatever safeguard possible to cultural "properties," limited to tangible cultural heritage as opposed to the intangible.² Likewise, the convention declares that in the case of state occupation, it is the duty and obligation of the occupier to protect the cultural properties of the occupied to the best of their ability.³ Since the Hague Convention, there have been limited attempts by the International Community to greater define their commitments to the protection and preservation of cultural heritage, although some pieces of International Law did eventually emerge serving as more detailed understandings and assertions of how states must treat cultural heritage as was previously outlined in the Hague Convention of 1954. Specifically, the Convention for the Means and Prohibiting and Preventing of Illicit Import, Export and Transfer of Ownership of Cultural Property of 1970 (referred to as the Convention Against the Illicit Trade of Cultural Property), the Convention Concerning the Protection of the World Cultural and Natural Heritage of 1972, as well as the Convention for the Safeguarding of the Intangible Cultural Heritage in 2003, are notable.

Yet, despite these small steps the International Community had been making on the protection and preservation of cultural heritage, questions of incredible importance on this topic were still left unanswered. One of the most pressing, for example, is the question of how to classify and how to punish those perpetrators of cultural heritage looting and destruction, the act of which was deemed within the same original Hague Convention as necessary of punishment through "disciplinary sanctions." It was not until recently, however, that this question over how to classify such a perpetrator was answered as a result of the International Criminal Court (ICC) Case of Ahmad al-Faqi al-Mahdi and his role in directing operations of cultural heritage destruction by the Ansar Dine militia in Timbuktu, Mali, in which in 2016 al-Mahdi was convicted by the court as a war criminal, a groundbreaking and unprecedented case where an individual would be deemed a war criminal for cultural heritage destruction.⁴ Following the conviction of al-Mahdi, the UNSC adopted resolution 2347 in 2017 dictating that those responsible for directing cultural heritage looting and destruction must be deemed as war criminals, likewise reiterating that states must protect cultural heritage during armed conflicts in conformity with International Law while respecting the sovereignty of states.⁵

International Law on cultural heritage has evolved over the decades since the original Hague Convention in the 1950s, making it clear that both tangible and intangible cultural heritage must be protected and preserved while those responsible for the destruction, looting, and decontextualization of cultural heritage must find judicial punishment, be it through national criminal law, or through the new standard by International Law of being treated as a war criminal. Yet, if investigating how cultural heritage is treated in reality, especially in the case of Cyprus, it is clear that protection and preservation is unfortunately limited. In order to greater understand International Law on cultural heritage especially as it pertains to Cyprus, as well as the obligations of the Turkish government to protect and preserve the cultural heritage of Cyprus as the occupying power in the country, it is necessary to observe just how extensive and expansive the “damage” – metaphorically and literally – is to the cultural heritage of the Cypriot state and people.

It would be nearly impossible to declare the total amount of cultural resources that had either been looted or destroyed since the invasion of Cyprus by Turkey and its continued occupation of the Northern part of the island. However, it is estimated that anywhere between 15,000 to 20,000 religious icons as well as tens of thousands of other cultural artifacts including chalcises, mosaics, byzantine tablets, stone and wooden figures, ancient coins, and so on, had been stolen and removed from their cultural contexts in Cyprus.⁶ Looting of cultural resources from Cyprus is an illicit, rampant, and profitable trade; looted pieces are found across the globe from the US to even Japan selling for thousands or even millions of dollars. In particular, the Kanakaria mosaics seized and repatriated from Indiana, US, were bought for about \$1 million and were to be sold for \$20 million,⁷ Antifonitis mosaics retrieved from the Netherlands were valued at \$200 thousand,⁸ and Agios Anastasios Church ornate doors repatriated from a Japanese College which had bought them from a Dutch art dealer for \$140 thousand,⁹ are but a small selection of cases. Additionally, cultural resources were sometimes retrieved before reaching the auction stands, for example, a wooden case depicting religious icons stolen from Morphou was returned by German auction house owners after they realized it was a stolen relic,¹⁰ and an Antifonitis Church icon which was found by the Cypriot Orthodox Church officials on a Swiss auction site.¹¹ Looted artifacts of Cyprus are thankfully able to be proven as stolen as a result of archival data managed by the Cypriot government, Cypriot Orthodox Church, as well as various Non-Governmental Organizations, extensive proof which is required especially in disconcerting situations such as in the UK where as

a result of BREXIT there is no longer any need to comply with EU laws and regulations, where there are no licensing requirements for cultural materials and likewise anyone caught with stolen materials cannot be convicted if they were or claim to be ignorant of the fact the cultural resources they were in possession of were in fact stolen.¹²

While rampant looting and the illicit trade of cultural resources in Cyprus over the past half-century of its occupation is incredibly dispiriting, and although the cultural contexts they were removed from can never be repaired, studied, nor appreciated, there is still the potential for their repatriation to their country of origin. However, mass and widespread destruction of cultural heritage, tangible and intangible, is another issue. Many churches, cemeteries, and archaeological sites, to name a few contexts, have been damaged beyond repair, and while some small reconstruction efforts may be able to restore damage in patches, the devastation of the cultural contexts as well as their significance cannot be reversed. Considering the effects on intangible cultural heritage as a result of the destruction of cultural sites and resources, the history of these sites has been tainted, the original populations unable to enjoy the stories, lessons, songs, dances, or the memories of their forefathers, while likewise current inhabitants are unable to appreciate even in a rudimentary fashion the rubble that has been left behind.

According to the Cypriot Ministry of Foreign Affairs, there have been more than 550 cases of Orthodox churches, chapels, and monasteries that had been desecrated or completely destroyed since the beginning of the occupation by the Turkish Government in 1974.¹³ In one case, Byzantine Antifonitis Monastery was subject to the defilement of icons, including the decapitation of depictions of Archangels and theft of wall paintings, while the Sourp Magar Monastery, the only Armenian monastery on the island of Cyprus, was subject to similar looting, completely abandoned to the point where the architectural structure of the monastery itself has almost completely crumbled due to a complete lack of any preservation efforts.¹⁴ Most of the churches in Northern Cyprus were subject to a similar fate much to the same degree as many cemeteries and archaeological sites – although in a sense more archaeological sites had opened up since the invasion by Turkey due to illegal excavations and illicit trade of cultural resources – where they had been completely ravaged over the past 50 years with little care by the occupying powers to preserve and protect the cultural heritage of the occupied.

As mentioned earlier, under the Hague Convention, it is the duty of the occupying power to protect and preserve the cultural heritage of the occupied to the best of their ability. While it is argued by some that Northern Cyprus is not occupied, but rather its own state under the authority of the Turkish government, it is reiterated that the only country in the world that recognizes the sovereignty of a Turkish Republic in Northern Cyprus is none other than Turkey itself. As stated earlier, the International Community, including the UNSC deems that the Turkish government is an occupier of the Northern part of Cyprus, as was most recently reiterated in UNSC Resolution 2587 which focused on the situation of the Varosha quarter of the Ammochostos city in which the Turkish government defied previous resolutions of the UNSC that required close cooperation between all sides of the conflict including the UN on large-scale decision making matters on the resettlement and rehabilitation of people, specifically referring to UNSC Resolution 789.¹⁵ Specifically, the UNSC through Resolution 2587 reaffirms the declared status of Northern Cyprus, specifically through Resolution 550 in which the Council states that it is an occupied territory of the Republic of Cyprus and that the declaration of a Turkish Republic of Northern Cyprus is "legally invalid,"¹⁶ reiterating even further that there is no question that the International Community still deems the government of Turkey as an occupier of the sovereign Cypriot state. It should furthermore be noted that, unlike resolutions created by the General Assembly of the UN or other pieces of International Law through conventions or treaties which are not legally binding and require the consent of the state, UNSC resolutions are binding regardless of state consent.

It may be questioned why it is worth driving in the point that the Turkish government is the occupying power of Cyprus, especially as it relates to state consent and International Law. As mentioned, under the Hague Convention, it is the duty of the occupying state to protect and preserve the cultural heritage of the occupied to the best of their ability. As Turkey is a party to the Hague Convention and has ratified the treaty, binding themselves to the convention, and as the Turkish government is an occupying power of Cyprus, as established, there is no question that the Turkish government is obligated to uphold their commitments as outlined in the Hague Convention. It is worth noting that Turkey had ratified the Hague Convention as well as its first protocol back in 1965, prior to the invasion of Cyprus, yet they have not ratified nor partied themselves to the second protocol which took effect in 1999, after their invasion and start of the occupation, presumably seeking to avoid any further obligations on the protection and preservation of cultural heritage either in Cyprus or within their own borders.¹⁷ It is also

worth mentioning that while Turkey has ratified the Convention for the Safeguarding of the Intangible Cultural Heritage, there is no obligation as outlined by the treaty that dictates a country must protect the intangible cultural heritage of any territory other than their own and thus has little relevance to the case of Northern Cyprus as it is not a part of the territory of Turkey nor its own state, according to the UNSC.¹⁸

It is argued by some that, while there is an obligation to protect and preserve cultural heritage of an occupied state as the occupier as declared through the Hague Convention, the convention does not allow an occupier to act independently of the national authorities in preservation and protection efforts and thus there is nothing the Turkish government can do, attributing this to a fault of International Law itself; though the argument is not completely wrong in calling for an update to the International Law on cultural heritage.¹⁹ Article 5 of the Hague Convention on the topic of occupation declares in its first paragraph that any party to the convention that is an occupying power "shall as far as possible support the competent national authorities of the occupied country in safeguarding and preserving its cultural property."²⁰ While the convention does state there needs to be cooperation between both the occupying and occupied powers, and while this stems the argument that the Turkish government cannot act independently, the second paragraph of Article 5 clearly states that "should it prove necessary to take measures to preserve cultural property in occupied territory and damaged by military operations, and should the competent national authorities be unable to take such measures, the occupying power shall, as far as possible, and in close cooperation with such authorities, take the most necessary measures of preservation."²¹ Thus, under the Hague Convention, it is up to the Turkish government as the occupying power to take the role and initiate procedures to preserve and protect the cultural heritage of Cyprus, the same cultural heritage which for half a century has not seen any sort of clear assistance from the occupying power aside from scant archeological efforts which quickly ceased due to political disagreements between both powers. In this sense, the government of Turkey seems to be indifferent to the destruction of cultural heritage in Cyprus, as well as their international commitments as outlined through their ratification of the Hague Convention. Furthermore, Article 13 of the regulations for the execution of the Hague Convention declares that state parties may submit to the Director-General of UNESCO an application to enter cultural centers and immovable cultural property into the International Register of Cultural Property and obtain special protections, and in the case of occupation, the occupying power shall be competent of making such an application;

Cyprus is nowhere to be found on this registry, nor has an application presumably ever been sent to UNESCO.²² Although this is not an obligation of states party to the Hague Convention, if efforts to truly protect and preserve cultural heritage of Cyprus by the Turkish government were being stopped due to their supposed legal inability to act independently, there was and surely will continue to be the option to apply for the International Register of Cultural Property, an option and decision the Turkish government has the legal competency and capability to make independently. Thus, the argument cannot be made that the Turkish government is solely incapable of pursuing their obligations and commitments in protecting and preserving cultural heritage.

Turkey has also partyed itself to and ratified the Convention Against the Illicit Trade of Cultural Property. The convention very simply obligates states to combat the illicit trade of cultural resources, including their own cultural properties as well as those originating from other states that pass through the country; it is the role of the state to disrupt illicit trade networks.²³ While a majority of looting and illicit trade of cultural resources from Northern Cyprus is conducted by the criminal underbelly of the Eastern Mediterranean, it is difficult to prove that Turkish authorities are unaware of such activities. The most prominent case is that of Aydın Dikmen as the director of major looting operations in Northern Cyprus in which he was the origin point of many of the most high-profile cases of stolen Cypriot cultural resources that were found throughout the world, including the Kanakaria mosaics that were to be sold for \$20 million in Indiana. According to Michel van Rijn, one of two primary associates of Dikmen alongside Greek art dealer Yiannis Petsopoulos, he had seen on multiple occasions members of the Turkish Military throwing religious icons into fires and using them for target practice.²⁴ Furthermore, the military considered Dikmen as the "official" archeologist of the occupied region, and thus called on him to remove cultural resources prior to the destruction of any churches.²⁵ Another case of importance is of the assassination of Turkish Cypriot journalist Kutlu Adalı in 1996 who was presumably killed in retaliation of an article he wrote on a raid of millions of dollars worth of icons from the St. Barnabas Monastery after writing that official vehicles of the "Turkish Republic of Northern Cyprus" were used during the raid, and that likewise Sedat Peker who was the supposed leader of the criminal organization responsible for the assassination claimed years later that those who ordered the attack were officials from the Turkish Ministry of the Interior.²⁶ Nothing can be said definitively, however, as those responsible for the assassination have been left unpunished. Nonetheless, it is reiterated that it is difficult to prove that the Turkish government is not familiar in some regard of

illicit trade networks of cultural resources that travel through Northern Cyprus. While it may be easy to take icons hanging off a wall in a quick manner, incredible precision by professional hands as well as adequate time is necessary to remove mosaics and frescoes from church walls, something that would have surely been noticed by authorities especially if such churches were in populated towns and villages.²⁷ This is likewise while noting that stolen cultural antiquities had been found and retrieved from the possession of the then mayor of Morphou in Northern Cyprus Isfendiyar Rifat Acikosz in 1975,²⁸ or even from the home of UN Representative of the High Commissioner for Refugees Alfred zur Lipp-Weidenfeld who had looted cultural resources transported in official UN vehicles.²⁹

It is likewise difficult to claim the Turkish government was not aware of illicit trade networks present and thriving within their own territory, criminal networks which without question were waiting for an opportunity to jump into Cyprus and steal its cultural resources, finding that opportunity out of the invasion of Cyprus in 1974. These illicit art trade networks have been incredibly successful in stealing and smuggling cultural resources out of Turkey even before the invasion of Cyprus, and continue to succeed even years after the invasion. For example, criminals stole from burial grounds in Manisa and Usak, Turkey, gold and silver vessels, jewelry, marble sphinxes, and paintings in 1966 that were bought by the Metropolitan Museum of Art somewhere around 1970, as well as in 1980 where looters had stolen the top half of a statue of Herakles which is still in the possession of the Museum of Fine Arts in Boston.³⁰ Despite very strong efforts by Turkish negotiators alongside the assistance of political pressure, pressure which is not offered during negotiations for stolen Cypriot artifacts, many of these stolen cultural resources are still housed away from their cultural contexts. This also brings into question the obligations and commitments made by other states such as the US, UK, or Netherlands which each have accepted and partied themselves to International Conventions, such as the Convention Against the Illicit Trade of Cultural Property, but have not ratified this piece of International Law.³¹

Yet, while noting the above arguments, the Turkish government cannot be simply criticized as being indifferent to their commitments to International Law on the protection and preservation of cultural heritage as well as the destruction and looting of said cultural heritage. When it comes to the intangible heritage of Cyprus, the Turkish government has been quite active in defacing and "painting over" the heritage of Cyprus. This can quickly be understood through the conversion of a number of Orthodox Churches to Mosques

by Turkish authorities which likewise would require the removal of icons, mosaics, and other religious resources.³² However, on a more particular note, the Turkish government has been extensive in their agenda to change the names streets, towns, and even cities in Northern Cyprus, not simply translating them from Greek to Turkish, but renaming them entirely.³³ One such case is the village of Akanthou in Northern Cyprus which prior to 1974 was populated predominantly by Greek Cypriots before their mass displacement after the invasion by Turkey. The village was quickly repopulated by Turkish Cypriots, who chose to rename Akanthou to Tatlisu, after their original village where they had been displaced from during intercommunal conflict, and when these settlers left, the village was again repopulated by settlers from Turkey who continued to use the name Tatlisu as opposed to Akanthou.³⁴ Along similar lines, the village of Kalochorio, a toponym which remained unchanged even during the Ottoman occupation of the island, populated by mainly Greek Cypriots was repopulated by Turkish Cypriots and Turkish settlers after the invasion and was promptly renamed to Kalkanlı, again named after the original village of the Turkish Cypriots.³⁵ Even the major city of Ammochostos, an ethnically diverse city which was also referred to internationally as Famagusta, had its name changed after the invasion by the Turkish government despite there being no settlers in the city, at least until recently, renaming the city to Gazi Mağusa.³⁶ Aside from the previously mentioned UNSC Resolution 789 stating that any rehabilitation efforts in Cyprus must be done in close cooperation with the UN, Turkey is also a close partner of the UN Group of Experts on Geographic Names, an expert body through the UN Economic and Social Council, which in its 3rd conference in 1977 declared in Resolution 16 that "any changes made by other authorities in the names standardized by the competent national geographical names authority should not be recognized by the United Nations;"³⁷ any quick glance through Google Maps will show that regardless of international law and state commitments, names of many cities, towns, and villages in Northern Cyprus have been changed without the consultation or approval of the Permanent Committee for the Standardization of Geographical Names of Cyprus, the national authority of Cyprus.

Kicked out of their homes and properties, the repopulation of towns and villages by Turkish settlers is yet another huge issue involving the destruction of cultural heritage in Cyprus, a concept that even the Turkish Cypriots are displeased and disapproving of. These Turkish settlers are reported as "Anatolian peasants" who the then Turkish Cypriot opposition leader Özker Özgür in 1990 described as uneducated and even supporting polygamy, or how former vice president of Cyprus Fazıl Küçük described them in 1978 as

immoral.³⁸ Turkish settlers came in waves to occupied Cyprus, many of the settlers themselves, specifically those who fled from the north side to the south side of the island, explained in interviews that they had heard of opportunities either on the radio, TV, or through village headmen to move to Northern Cyprus and be provided with a furnished home – previous homes of displaced Greek Cypriots, – land, and an annual allowance; in other cases, land of settlers originating from Anatolia, particularly Kurds, was claimed before they were given the option to relocate to Cyprus, also quelling Kurdish rebellions within Turkey, hitting two birds with one stone.³⁹ At two separate instances, the then European Committee on Migration, Refugees, and Demography had received extensive demographic reports by the committee's special rapporteurs to Cyprus who had presented their findings to the Council of Europe, further detailing the issue of settlers in Cyprus. Both reports, the first in 1992 by Alfons Cucó and the second in 2003 by Jaako Laakso, describe a mass increase in the population of Northern Cyprus as a result of Turkish settlers which the Turkish authorities in both 1975 and 1981 decided to naturalize as citizens to hide any semblance of colonization, when in reality there was a large outflow of actual Turkish Cypriots due to poor economic conditions as a result of cheap labor provided by settlers which lowered wages, as well as cultural differences between Turkish Cypriots who wished to remain secular and the settlers which were culturally Muslim.⁴⁰ It is also worth noting that such relocation of a state's people to occupied land is illegal through the 4th Geneva Convention of 1949, specifically through Article 49, the convention of which Turkey had ratified in 1954.⁴¹ Through incentivizing the immigration of and essentially transferring Turkish settlers and further nationalizing them as citizens in Northern Cyprus, Turkey only further acts actively in the destruction of the cultural heritage of Northern Cyprus.

Nonetheless, if the government of Turkey is, through international recognition based on the UNSC, still considered the occupying power of Cyprus, and if the government has not followed and even violated their international obligations as set out through the Hague Convention, the Convention Against the Illicit Trade of Cultural Property, or even the 4th Geneva Convention, are there legal repercussions and should Turkey be subject to them? The international standard for breaches of International Law is typically that of sanctions being imposed by other states onto the country in violation or on individual people themselves. However, in the case of Turkey, it cannot be expected that other states in the International Community will impose sanctions on the entire country for their lack of commitment to obligations set out through their consent and

ratification of international conventions, possibly choosing not to risk political repercussions and a tainted relationship, and further not bring attention to themselves if they fail to uphold their own related international commitments. Further, sanctions imposed on struggling states tend to have an incredibly devastating effect on its citizens who themselves should not be held responsible for the actions of government.

However, with the recent conviction of al-Mahdi and the establishment of UNSC Resolution 2347, it is now an international standard for perpetrators of cultural heritage destruction to be deemed as war criminals. Taking the case of Dikmen, who only had to pay a measly fine of €288 thousand, compared to the amount of profit he gained through his role in illicit trade networks of cultural resources, through his conviction in German courts, never even facing jail time and unsure of whether he actually paid his fine and unable to be extradited to Cyprus to be tried there, had he not supposedly passed away in 2020 it could have been very possible for Dikmen to have been tried in international courts as a war criminal;⁴² considering that Northern Cyprus is still treated as an armed conflict through occupation as per the decree of the UNSC. Going forward, the International Community can very easily investigate, arrest, and try in court those who are either part of the government of Turkey or separate criminal individuals for their role in cultural heritage destruction and looting instead of choosing sanctions which could potentially hurt the uninvolved, already struggling Turkish citizens who should not be penalized for the action or inaction of their government. Furthermore, trials of individuals, even if they are not convicted, would lead to increased notoriety of the case of cultural heritage destruction and looting in Northern Cyprus, and the potential for the International Community, including the citizens of Cyprus and Turkey, regardless of ethnicity and nationality, to pressure the powers involved to provide better safeguards to protect and preserve the cultural heritage of not only Cyprus, but cultural heritage itself.

Yet, this too may prove difficult under International Law, due to Turkey's non-ratification of the Rome Statute of the ICC. Thus, should there be a situation where an individual or group of individuals could and ought to be tried as war criminals, for example, and the ICC were to issue warrants for said individuals, or if the ICC were already in the process of persecuting perpetrators of cultural heritage destruction, there is no obligation of the Turkish government to assist the ICC. Yet, as the UNSC passed resolution 2347 stating that anyone responsible of directing cultural heritage destruction or theft must be seen as a war criminal, reiterating once again that UNSC resolutions are binding on all states regardless of consent, it is the duty of the Turkish state, or any state, to punish

perpetrators of cultural heritage destruction, regardless of their commitments to International Law.

While International Law is in place and Turkey has clearly outlined their commitments to the protection and preservation of Cultural Heritage even as an occupying power of Northern Cyprus, International Law is unfortunately not a failsafe for Cyprus. An example of this is again the case of Dikmen, in that ordinarily his case is one that ought to have been extradited to Cyprus for his crimes against cultural heritage, but was instead kept in Germany, unable to be sent to Cyprus due to statutes of limitations in Germany that would not criminally prosecute him. Furthermore Cyprus was unable to use the Convention Against the Illicit Trade of Cultural Property to call for his extradition since Germany has not ratified the convention. However, despite not being able to extradite Dikmen and prosecute him in Cypriot courts, or even international courts for that matter, the Cypriot government and Cypriot Church were successful in taking legal steps outside of International Law to retrieve cultural resources and hold perpetrators of cultural heritage destruction and theft somewhat accountable, choosing to partake in the domestic legal systems of respective states, such as the same Dikmen case in Germany which was titled "*Republic of Cyprus and ors v Dikmen*." Another such case where the Cypriot government and Church had chosen to take steps using domestic law rather than International Law is that of the Kanakaria mosaics and the case of *Autocephalous Greek-Orthodox Church v. Goldberg* where Cyprus was inevitably successful in repatriating stolen cultural resources; it is also notable that the US has, like Turkey, not ratified the Rome Statute on the ICC, making domestic legal steps almost a necessity. Yet, it should be established that the use of foreign domestic law does not undermine International Law, but rather it is another tool in a country's arsenal to achieve justice.

Aside from cases on repatriating cultural resources or holding thieves accountable for looting campaigns, the Cypriot government, Church, and people have on multiple occasions been quite successful in holding the Turkish government itself accountable for actions, and inactions, preventing the access of Cypriot refugees that were displaced from Northern Cyprus from accessing their places of heritage and properties. Many of these notable cases come from the European Court of Human Rights, the court which was established through the European Convention on Human Rights which has been ratified by Turkey in 1945 and is thus bound to its decisions.⁴³ One of the most groundbreaking is the case of *Loizidou v. Turkey* from 1996-1998 which declared the Turkish state was in violation of Article 1 of Protocol 1 of the European Convention on Human Rights that

states every citizen is entitled to peacefully enjoy their possessions, including their properties, this specific case showing how the government of Turkey had denied refugees from Cyprus access to their original homes.⁴⁴ While Turkey was found to be guilty of violating their commitments to the European Convention on Human Rights, the government was to pay roughly \$915 thousand yet denied to do so until 2003 seeking to "fulfill responsibilities."⁴⁵

However, the Cypriot government taking direct legal steps against Turkey through the European Court of Human Rights case *Cyprus v. Turkey* is the most substantial, and seemingly the most damning, international court case against the government of Turkey, brought to the attention of the court for Turkey's violations of the European Convention on Human Rights; it is expansive in describing violations by the Turkish government particularly regarding the human rights of Cypriot citizens, further disproving that Turkey is simply indifferent to the destruction of tangible and intangible cultural heritage. For example, the court had, and in consideration of the *Loizidou* case, reiterated that Turkey is in violation of Article 1 of Protocol 1 of the European Convention on Human Rights on the right for civilians to peacefully enjoy their property. Taking it further, however, the court found the Turkish government to be in violation of Article 5 on the liberty and security of civilians, Article 6 on fair and impartial trials and public hearings or tribunals, Article 8 on the right to respect private and family life of civilians, Article 9 on the freedom of thought, conscience, and religion, Article 10 on freedom of expression and the freedom to impart information, Article 13 on the right to effective remedy, and Protocol 1 Article 2 on the right to education.⁴⁶ The court did not examine Turkey's commitment to Article 14 of the convention on discrimination, deeming it unnecessary considering the court's findings as well as yet another violation of the Turkish government of Article 3 on torture, specifically having to do with degrading treatment targeting Greek Cypriots. In respect to cultural heritage, Turkey's violation of Articles 9, 10, and Article 2 in Protocol 1 of the European Convention on Human Rights are of particular importance. Violations of Articles 9 and 10 having to do with the restrictions of the Turkish authorities for the freedom of thought, religion, expression, and imparting of opinions and information works against the intangible heritage of Cyprus, shackling the abilities of Greek Cypriots to practice and appreciate their historical traditions, including the inability to participate in religious ceremonies or even the ability to speak in Greek language either in public or in schools.⁴⁷ As for Article 2 of Protocol 1 of the convention, this is likewise damaging to the intangible heritage of Cyprus in that not only were there no school facilities available for Greek

Cypriot children, in which they could not learn of their country's repressed history, they also would not be taught in accordance to their cultural traditions.⁴⁸

It has been made clear that looting and destruction of cultural heritage in Northern Cyprus is rampant since the start of the occupation by Turkey in 1974, an occupation which, once again, is reiterated to be illegal as declared by the International Community through the UNSC. The situation in Cyprus with the Turkish government as an occupier has an extensively unfortunate history of transgressions and human rights abuses, outlined through the constant violations of Turkey over their commitments and obligations to International Law and the results of a number of international court cases, such as that seen in *Cyprus v. Turkey* through the European Court of Human Rights. While it is the primary responsibility of the Turkish government to uphold their international commitments and obligations to take immediate action to remedy the situation in Cyprus, the International Community itself must likewise hold perpetrators of cultural heritage looting and destruction, not limited to just in Cyprus, accountable, as well as generate motivation for individual people to better protect and preserve cultural heritage while holding their governmental representatives responsible for their actions or inaction, in addition to those who are the "instigators" of illicit trade networks of cultural resources which either directly or indirectly fund activities that lead to the destruction of both tangible and intangible cultural heritage. Greek and Turkish Cypriots, despite their incredible efforts on the forefront of international endeavors calling for and acting either independently or through a united front advocating for and seeking to protect, preserve, and research cultural heritage, are met with resistance by the Turkish authorities which make coordinated efforts all the more difficult if not impossible out of this unfortunate political instability, oppression, and subjugation which has been continuing in the country for half a century. Those responsible for the destruction of cultural heritage, regardless of who they are, must find some sort of judicial punishment, be it through financial penalization, the new international standard of being considered a war criminal, or any other means of "disciplinary sanctions" as decreed by the Hague Convention of 1954.

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