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**DOCUMENT WITH THE COMMENTS OF THE ASSOCIATION OF CYPRIOT
ARCHAEOLOGISTS CONCERNING TURKEY’S REPORT ON THE
‘IMPLEMENTATION OF THE ‘INTERNATIONAL COVENANT ON ECONOMIC,
SOCIAL AND CULTURAL RIGHTS’**

In 1974 the Turkish armed forces invaded Cyprus in violation of international law, including the UN Charter. Turkey still occupies over 36% of the territory of the Republic with 43,000 troops, and is therefore responsible for the actions of its army and the subordinate local administration. It is also pertinent to recall that in 1983 the then Turkish Cypriot leader Mr. Denktaş, declared the establishment of the so-called “TRNC” in the occupied part of Cyprus. This action was condemned by the UN Security Council in Resolutions 541(1983) and 550 (1984) which calls upon the international community neither to recognize such an entity nor to assist or in any way cooperate with it.

As far as cultural heritage is concerned Turkey is a Party to the following Conventions:

UN Conventions:

1. Convention for the Protection of Cultural Property in the Event of Armed Conflict with Regulations for the Execution of the Convention, The Hague, 14 May 1954
2. First Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, The Hague, 14 May 1954

3. Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, Paris, 14 November 1970
4. Convention for the Protection of the World Cultural and Natural Heritage, Paris, 16 November 1972
5. Convention for the Safeguarding of the Intangible Cultural Heritage, Paris, 17 October 2003

Council of Europe Conventions

6. European Cultural Convention, Paris, 19 December 1954
7. Convention for the Protection of the Architectural Heritage of Europe, Granada, 3 October 1985
8. European Convention on the Protection of the Archaeological Heritage (Revised), Valletta, 16 January 1992

Apart from the above Conventions, since December 2003 Turkey is also Party to the International Covenant on Economic, Social and Cultural Rights, (1966), which creates further obligations.

The 1974 Turkish invasion in Cyprus and the subsequent occupation of 36% of the territory of the island has heavily damaged Cyprus' cultural heritage in violation of the above-mentioned legally binding International and European conventions. The damages are grave and in many cases, irreversible (see: Jansen, M., 2005, War and Cultural Heritage: Cyprus after the 1974 Turkish Invasion, Minnesota Mediterranean and Eastern European Monographs XIV, University of Minnesota). Churches, chapels, monasteries, archaeological sites, libraries, museums and private collections of religious art and antiquities have been looted. Church frescoes and mosaics have been removed and in many

cases have been traced in Europe's illegal antiquity trade markets and in auctions taking place around the world. The Churches located in the Turkish occupied area suffered the most serious and extensive damages. Some of them have been demolished, others have been looted and vandalized and some are currently being used as stables, mosques, hotels, mortuaries, music halls, depots or as part of military camps. In addition, considering that the only competent authority in the Republic of Cyprus responsible for conducting or supervising archaeological excavations is the Department of Antiquities (Antiquities Law, Part III article 14), all excavations that have been conducted since 1974 and which are taking place in the occupied territories to this day are illegal and violate International Conventions which specify that it is illegal to conduct excavations or other archaeological field work in occupied territories unless these are "carried out in close cooperation with the competent national authorities of the occupied territory" (Article 9 of *Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict*, 1954).

It should also be stressed that the pillage and deterioration of the cultural heritage in the Turkish occupied part of Cyprus has continued, after 2004 when Turkey ratified the International Covenant on Economic, Social and Cultural Rights. This can be seen in two cases that were reported in 2011 and relate to partial destruction of the 10th century fresco of Saint Nicholas located in the cave Church of Panagia Galaterousa in the town of Karavas (the fresco was preserved at least until 2006), and the collapse of a part of the historic walls of Famagusta last January.

Therefore, Turkey's Report (submitted on 25th June 2008) concerning the implementation of Article 15 of the Covenant which mentions that, based on the principles of tolerance and cultural diversity, an indispensable part of the cultural policy of Turkey is the "protection of the historical, natural and cultural heritage" is in stark contrast to the existing situation in the occupied territories.

As far as monuments, sites and moveable cultural property are concerned, in violation of Article 4 par. 3 of the *Convention for the Protection of Cultural Property in the Event of Armed Conflict, The Hague*, which stresses that “*the Parties undertake to prohibit, prevent and if necessary put a stop to any form of theft, pillage or misappropriation of, and any acts of vandalism directed against cultural property. They shall refrain from requisitioning movable cultural property situated in the territory of another high contracting Party*”, Turkey is responsible for numerous cases whereby the island’s cultural heritage has either been heavily damaged or completely destroyed. It is estimated that around 15 churches in the occupied territories have been pulled down over the past five years. Furthermore, many churches and archaeological sites fall within so-called “military areas” and it is therefore impossible to visit and inspect them.

This fact was reaffirmed by the Report of the United States Commission on Security and Cooperation in Europe (Helsinki Commission, 2009), which mentions that 500 orthodox churches and chapels have been looted, torn down or vandalized and that 15,000 religious icons have disappeared. It is also estimated that 60,000 archaeological objects have been illegally exported from the occupied territories of Cyprus.

Some of the most striking cases which involve the destruction, looting and vandalism of religious monuments in the occupied territories are the following (see: Papageorgiou A. 2010, *Christian Art in the Turkish Occupied Part of Cyprus*, The Holy Archbishopric of Cyprus. Nicosia and Χοτζάκογλου. X. 2008, *Τα Θρησκευτικά Μνημεία στην Τουρκοκρατούμενη Κύπρο: Όψεις και Πράξεις μιας Συνεχιζόμενης Καταστροφής*, Μουσείο Ιεράς Μονής Κύκκου, Λευκωσία):

- Monastery of Christ Antiphonitis, Kalogrea. The attempts of traffickers to remove the murals from the church resulted in the complete destruction or heavy damage of the frescoes adorning its interior. The frescoes date to the 12th century with a second phase occurring at the end of the 15th – beginning of the 16th century. The wall paintings representing the “Tree of Jesse” and the “Last Judgment” have been removed and were heavily damaged in the process. Today only the remnants of

these frescoes can be seen on the walls of the Monastery. Similarly, attempts to remove the head of Archangel Gabriel from the apse resulted in its complete destruction.

- Church of Panagia Kanakaria, Lythrangomi. The wall mosaics of the church dating to the 6th century were removed and damaged in the process. They were then illegally exported, finding their way to the international art market. The mosaics are considered to be amongst the few surviving masterpieces of Early Christian mosaics in the entire world and ichnographically they are considered to be unique. While some of the mosaic fragments have been returned (medallions with the figures of Apostles Lukas and Bartholomew that were removed from the church's apse were returned in 1983 via Germany, the upper part of Archangel Michael's bust, the upper parts of Christ and the Virgin Mary and the medallions depicting Apostles Mathew and Iakovos which were located in the possession of P. Goldberg, an art dealer, were returned after a lawsuit was filed by the Greek Orthodox Church of Cyprus and the Republic of Cyprus in the U.S. District Court of Indianapolis,) the fate of the mosaics of Saint Andrew, Mark the Evangelist and the lower section of the Virgin Mary with Christ, is still unknown.
- Similarly, frescoes have been removed from numerous churches such as the Church of Agios Themonianos in Lysi, of Agia Solomoni in Koma tou Yialou, of Agios Photios in Yialousa, of Agios Philon in Agridia, the Monastery of Panagia Apsinthotissa in Sychari, of Panagia Kyra in Livadia, of Agios Nikolaos in Koma tou Yialou, of Panagia in Assia but to name a few. In other cases the fate of very important wall paintings remains unknown to date, because the churches are located in so-called "military areas", or Turkish army camps which are inaccessible, such as the Church of Panagia Apendrika at Koutsoventis, the chapel of Agia Triada at the Monastery of Agios Ioannis Chrysostomos and Panagia Acheiropoietos. The total

- number of icons, frescoes and mosaics which have been looted from churches and illicitly exported from the occupied area has been estimated to be around 15,000
- One of the well known legal cases of looted and illegally exported cultural objects from the occupied territories of the Republic of Cyprus concerns the illegal activities of Turkish art dealer Aydin Dikmen. On the 10th of October 1997 the Munich police, acting upon information given by the Cyprus Police Authorities, arrested Mr. Dikmen who was living in Munich and kept stolen church treasures and other antiquities in his apartment. The objects found in Mr. Dikmen's possession included: two icons, dating to the 14th century and the 16th century respectively and originating from the Monastery of Agios Chrysostomos at Koutsovendis, thirty late 15th century wall painting fragments from the Monastery of Christ Antiphonitis near Kalogrea village, a missing 6th century mosaic representing Saint Thomas from the Church of Panagia Kanakaria of Lythrangomi village, as well as ancient manuscripts and antiquities from important archaeological sites, museums and private collections. All the items originated from the Turkish occupied part of Cyprus. - The legal procedure in Munich lasted for more than a decade, but on September 23, 2010, the District Court of Munich decided that Mr. Dikmen had acquired all the artefacts illegally, and that they should be returned to their previous owners, the Republic of Cyprus and the Church of Cyprus. Mr. Dikmen appealed the Court's decision on November 8, 2010.

 - Some of the churches in the Turkish occupied part of Cyprus have been completely demolished including: the 14th century dome-hall Church of the Saviour in Louroudjina, the Monastery of Theotokos in Kythrea (which had been previously desecrated and looted), the important Church of Panagia Avgasida in Aloa which dates to the 12th century, the church of Agios Thomas in Trikomo in order to widen a road, the church of Agios Demetrios in Trikomo, the church of Agios Spyridon in Marathovouno, the church of Profitis Daniel in Rizokarpaso, the church of Profitis Zacharias in Dikomo and as recently as 2008, the church of Agia Aikaterini in Gerani.

- Moreover, many other churches have completely or partially collapsed, due to long-term neglect and a total lack of care including the Church of Agios Andronikos in Kythrea, the church of Panagia Melandryna in Kalogrea and the church of Agios Georgios of Farangos in Famagusta.

As mentioned above, the occupation regime allows the conduct of a number of illegal archaeological excavations in the occupied part of Cyprus. Apart from the fact that these activities are in flagrant violation of national and international laws and conventions, they also violate Article 15.1 (a) (b) (c) of the aforementioned Covenant which stresses "...the right of everyone: a) to take part in cultural life; b) to enjoy the benefits of scientific progress and its applications; c) to benefit from the protection of the moral and material interests resulting from any scientific, literary or artistic production of which he is the author". Moreover, according to international, EU and national laws, the only legal authority that can issue an excavation permit in Cyprus is the Department of Antiquities of the Ministry of Communications and Works of the Republic of Cyprus. All excavations taking place after 1974 are thus illegal and those involved (individual scholars, institutions and funding bodies) are participating in illegal activities in violation of scholarly ethics, and harm the island's cultural heritage and violate its cultural policy. These illegal activities have in many occasions been condemned by numerous international institutions and scholars who specialize in the archaeology of Cyprus. In addition, it is important to mention here that at the time of the invasion of Cyprus by the Turkish military forces, various international teams (British, French, American etc) were directing long-term excavation projects in the now occupied territories (e.g. Apostolos Andreas, Salamis, Ayios Epiktitos). These teams respected national and international laws and ceased their investigations in the occupied territories, waiting for the archaeological sites to be accessible again. This abrupt halt to archaeological scientific research has had extremely serious consequences, not only with regard the preservation and safeguarding of the sites themselves but it has also left a big gap in scientific progress and its applications.

Archaeological and historical knowledge on the island's occupied heritage remains inaccessible and therefore incomplete. Some of the most serious and internationally condemned illegal excavations that have occurred in the occupied territories are:

- The Aceramic Neolithic site of Apostolos Andreas-Kastros on the Karpas peninsula in the eastern-most part of the occupied territories of Cyprus. This was one of the most important sites of the Neolithic period on the island since it demonstrated the adaptation of the Neolithic inhabitants to their coastal environment. Apostolos Andreas-Kastros was a fishing settlement dated to the 6th millennium B.C., excavated from 1970 to 1973. In 2005 this important Neolithic site was bulldozed and leveled by the Turkish army which installed flag poles of Turkey and of the illegal and pseudo-state where the remains once stood. The archaeological remains were also destroyed during the construction of a road which gave access to the flags. The incident was also reported by the Turkish Cypriot newspaper *Afrika* (13/9/05). The destruction of this site obliterates part of the history of Cyprus and indicates a lack of control and sensitivity in relation to the protection of cultural heritage. The issue of the destruction of the Neolithic site of Apostolos Andreas-Kastros was put forward at the ICOMOS 15th General Assembly in Xi'an, China by the Cyprus section of ICOMOS. The Assembly resolved to "*Condemn the destruction of the site of Apostolos Andreas ... and write to Turkey and Turkish Cypriot authorities calling for measures to be taken to prevent such destruction and name changes*" (see:www.international.icomos.org/xian2005/resolutions15ga.htm).
- Salamis Archaeological site: The Department of Antiquities of the Republic of Cyprus conducted intensive excavations in the Salamis area from 1952 to 1974. When the Turkish army invaded Cyprus in the summer of 1974, all activities taking place at Salamis were put to a halt. A tragic consequence of the invasion was the looting of the Department of Antiquities' storerooms where documents and material were kept. Also the French archaeological mission lost access to its own storerooms where documents, drawings, photographs and archaeological material were kept. In 1999 and in violation of all international conventions and recommendations, the

Ankara University organized archaeological investigations at Salamis under the direction of Prof. Coskun Özgüner. Özgüner conducted excavations and opened test trenches in the whole area in order to choose a spot that would immediately yield impressive finds. Özgüner finally focused on an area to the west of the Gymnasium where he uncovered a building of the Roman period, possibly a Roman villa with a bath complex. Reports also mention that the dig houses of both the Cypriot and French missions (where notes, equipment and finds were kept in storage) have been violated. The authorities of the Republic of Cyprus have reported these illegal activities to UNESCO and it has taken measures so that Ankara University is reprimanded.

- Galinoporni Late Bronze Age site: This important site is situated at the peak of a hill in the Karpasia peninsula in the occupied territories of the island. This is a known archaeological site which was mentioned already in 1962 as a Middle and Late Bronze Age site by H.W Catling in his article 'Patterns of Settlement in Bronze Age Cyprus (*Opuscula Atheniensia*, 1962, pp. 129-169). In June 2004 the illegal "Eastern Mediterranean University" in collaboration with the German universities of Tübingen and Freiberg commenced illegal excavations of the site. The excavations, which continued in 2005, have reportedly unearthed an exceptionally rich bronze hoard along with amounts of pottery and other important moveable finds as well as architectural remains. According to the official website of Tübingen University the site "offers the unique chance to examine an almost unknown Bronze Age cultural landscape". The above-mentioned excavations were conducted illegally and in violation of national and international laws and conventions and have been condemned both at a national and an international level. Apart from national institutions and organisations, international establishments of world repute have also condemned these activities (Department of History and Archaeology of the University of Cyprus, International Council of Monuments and Sites-Cyprus Section, Committee for Rescuing the Cultural Heritage of Cyprus).

In regards with the moveable antiquities in the occupied part of Cyprus, there are reports that museum collections and registered private collections have been looted and many have made their way into the circles of the illegal antiquities trade worldwide. According to the website of the Department of Antiquities (<http://www.mcw.gov.cy/mcw/DA/DA.nsf/All/F70403ECD0A9D6DFC22572750055024B?OpenDocument>) the following state museums have been affected:

- Ammochostos District Museum: this museum houses antiquities dating from Neolithic to Roman times (7000 P.C. - 350 A.D.) from the Ammochostos district. According to information from foreign journalists, all the gold jewellery is missing and so is a large number of vessels.

- Kyrenia Castle/ The Shipwreck Museum: Finds from the Kyrenia shipwreck are exhibited in this museum. According to the T/C press (*Ortam* 18.7.85), antiquities have been stolen from the museum.

- Kyrenia Folk Art Museum: this museum contains Cypriot folk art objects. There have been reports that all the silver objects have gone missing from this museum.

In addition, following the 1974 invasion, the fate of the registered private collections remains unknown and the danger of these being sold in the international art market is high, as is evident in the case of the well-known Hadjiprodrumou Collection (registered in Famagusta before 1974) part of which was looted and illegally exported, finding its way to various auctions and art dealers abroad. Although, some of these objects were located and have since been purchased and repatriated by the Republic of Cyprus, the fate of the remaining antiquities registered as part of private collections remains unknown.

Furthermore, and in disregard of Article 2 of the Covenant which stresses the idea of respect towards race, color, sex, language, religion, political or other opinion, property, birth or other status, the Turkish occupation has equally grave consequences for the island's intangible heritage. Turkey has enforced a systematic policy to alter the intangible heritage

in the occupied territories as it is evident from the attempts to completely change the island's village, town and street names (some of which even appear on the earliest printed medieval maps of the island) with new ones of Turkish linguistic origin (i.e. Galinoporni is now referred as Kaleburnu or Morphou as Güzelyurt). The altering of original place-names, the sacrilegious acts noted in religious monuments and cemeteries and the displacement of communities, which occurred as a result of Turkey's invasion and occupation are acts which have heavily damaged the island's intangible cultural heritage, which belongs not only to the people of Cyprus but also constitutes an inseparable part of world heritage.

In conclusion, considering that all the above examples demonstrate Turkey's condemnable actions that have, in many cases, irreparably, destroyed the cultural heritage of Cyprus, we believe that, Turkey's Report on the implementation of Article 15 of the *Covenant on Economic, Social and Cultural Rights*, (1966) does not reflect the post 1974 situation in the Turkish occupied area of the Republic of Cyprus, for which Turkey should be held accountable. Both tangible and intangible heritage has been destroyed, in many cases irreversibly. Therefore, and in accordance with the provisions of Article 15 of the International Covenant on Economic, Social and Cultural Rights, Turkey must immediately put an end to the destruction of the cultural heritage of Cyprus and allow the conduct of the necessary saving interventions, coordinated and monitored by the competent authorities, for the preservation of the cultural heritage which has survived the thirty-six year Turkish occupation.

Association of Cypriot Archaeologists

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