

Update on the missing persons of Cyprus from the 1974 Turkish invasion

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The paper aims to give up-to-date information on the situation of the missing persons of Cyprus from the 1974 illegal Turkish invasion of the island Republic. It is simply an overview of the situation and how it has evolved as a humanitarian issue over more than three decades. The Cyprus humanitarian issue of missing persons refers to about 1,464 Greek Cypriot missing persons and 502 cases of Turkish Cypriot missing persons - both military personnel and civilians, including women and children. Following relevant United Nations General Assembly resolutions, a Committee on missing persons (CMP) was established in 1981, which operates under the United Nations (UN). The CMP officially began its program for exhumations and identification of the missing persons on 30 June 2005 — By June 2009 the remains of 196 individuals have been identified from more than 600 exhumed — 145 of these remains belong to Greek-Cypriot and 51 Turkish-Cypriot missing persons.

Introduction

This paper aims to simply offer an update of the humanitarian issue of the missing persons of Cyprus and will not be examining and making comparisons with similar issues in other international conflicts such as Argentina and the Balkans, where there were thousands of missing persons involved. Latest statistics and examples of “infamous cases” of missing persons, of how their remains were exhumed and identified, will also be covered. There will also be a brief discussion on the missing persons and human rights and legal implications.

As a result of the 1974 Turkish invasion of Cyprus, there has been the ongoing humanitarian issue of missing persons — where both military personnel and civilians, including women and children, disappeared without trace for more than three decades. The missing persons figure initially referred to about 1,619 Greek Cypriots and 800 cases of Turkish Cypriot missing persons; however this number changed over time and the figure has remained at 1,468 Greek Cypriot missing persons and

502 cases of Turkish Cypriot missing persons. These victims were either captured by the invading Turkish armed forces during July and August of 1974, or disappeared after the cessation of hostilities in the areas under the control of the Turkish army.

On 9 December 1975 the UN General Assembly adopted Resolution 3450(XXX) on the issue of the missing persons in Cyprus, which requested the UN Secretary-General, in cooperation with the International Committee of the Red Cross (ICRC) to “assist in the tracing and accounting for missing persons as a result of armed conflict in Cyprus” (Coufoudakis, 2008:51).

Following these United Nations General Assembly resolutions, a Committee on missing persons (CMP) was established in 1981, but there were no actions taken despite these measures.

Turkey also argues that there were no missing Greek Cypriots other than those killed during the coup in Cyprus and the Turkish “peace operation”. Turkey also tried to redefine the issue of the missing by calling for an investigation of the cases of Turkish Cypriot missing from the period of the intercommunal troubles in the mid-1960s, instead of focusing on the consequences of its 1974 invasion of Cyprus.¹

Three years passed before any procedural agreement was made on 14 March 1984. One of the critical agreements was that “the Committee will not attempt to attribute responsibility for the deaths of any missing persons or make findings as to the cause of such deaths”.² A further ten years passed before the “Guidelines for Investigations” were achieved on 21 September 1994.

Furthermore, on 31 July 1997 the UN issued a media release stating that a meeting between Greek Cypriot President Glafkos Clerides and Turkish Cypriot leader Rauf Denktaş recognised the basic human rights of the families of the missing to be informed about the fate of their loved ones, and agreed to exchange information regarding burial sites and cooperate for the return of remains.

The leaders of the Greek Cypriot and Turkish Cypriot communities consider the problem of the Greek Cypriot and Turkish Cypriot missing persons in Cyprus as a purely humanitarian issue the solution of which is long overdue.

In line with the above, the two leaders agree, as a first step to resolving the problem of the missing persons, to provide each other immediately and simultaneously all information already at their disposal on the location of graves of Greek Cypriot and Turkish Cypriot missing persons.

The two leaders will each designate a person who, by the end of September 1997, will exchange the information referred to in the previous paragraph and will prepare the necessary

¹ V. Coufoudakis (2008), *International Aggression and violations of human rights — The case of Turkey in Cyprus*. Minnesota Mediterranean and East European Monographs, Number 17:51 University of Minnesota.

² V. Coufoudakis (2008), *International Aggression and violations of human rights — The case of Turkey in Cyprus*. Minnesota Mediterranean and East European Monographs, Number 17:52, University of Minnesota.

arrangements leading to the return of the remains of the Greek Cypriot and Turkish Cypriot missing persons in question. The two leaders also agreed that the remains of persons known to have been killed in action on either side will be returned to their families.³

However the Turkish Cypriot side delayed in cooperating and gave new preconditions not envisaged in the agreement, and consequently it was not able to be implemented. Additional reasons for the ineffectiveness of the CMP, for about 20 years after its creation by the UN, included lack of financial support from both the Greek and Turkish Cypriot sides and from the international community. The cost of exhumations and identification of remains is expensive and not having the funds to undertake this enormous task has delayed the long-awaited exhumation and identification of missing persons remains.

In addition, the lack of scientific technical support also contributed to the delay. A long-term dedicated team of experts — anthropologists and geneticists — who would be committed to such a tedious procedure of exhumation and identification of remains over several years has been difficult to form.

In the summer of 1999, the Government of the Republic of Cyprus, at its own initiative, began exhuming remains in two cemeteries in Nicosia. A number of persons killed during the Turkish invasion were buried as unknown soldiers in these two cemeteries. The exhumations were carried out and completed by the non-governmental organisation Physicians for Human Rights. This resulted in the identity of thirty missing persons being established through the DNA process. Twelve out of the thirty instances involved cases of missing persons. The Turkish side decided to cooperate about eight years after the 1997 meeting and the process of exhuming and identifying the remains of the missing began. The CMP started making progress in 2005. Perhaps the timing was critical as Turkey started European Union accession negotiations.

Missing persons identification process

The humanitarian mandate of the Committee, which operates under the auspices and with the participation of the UN, is to investigate and determine the fate of the missing persons in Cyprus. The CMP is made up of three members (one representative from each side — Greek and Turkish) and a third member who is designated by the UN Secretary-General. The CMP officially began its program for exhumations on 30 June 2005 (“About the CMP”, *CMP Website*, Cyprus, 2010).⁴

³ United Nations Press Release, Nicosia, 31 July 1997.

⁴ “About the CMP”, *CMP Website*, Cyprus, 2010.
http://www.cmp-cyprus.org/nqcontent.cfm?a_id=1305&tt=graphic&lang=11 (Date accessed: 15/01/2010).

Stages of exhuming and identifying the missing persons

Although political leaders finally agreed on resolving the missing persons issue the process remains a very long and complicated one. There are many stages in finding the remains of missing persons: from exhuming mass graves to identifying the remains using the latest scientific DNA methods, to releasing the remains to family for a funeral service. There are four Phases involved in successfully finding a missing person before a funeral is held by loved ones. This paper will briefly look at each Phase to demonstrate the complexity involved.

Phase I — archaeological/exhumations

Exhumations are carried out on both sides of the buffer zone⁵ by bi-communal teams of more than 30 Cypriot archaeologists and anthropologists. These teams work under EAAF (Equipo Argentino de Anthropologia Forense) — Argentine Forensic Anthropology Team. This non-governmental, non-profit, scientific organisation applies forensic sciences, mainly forensic anthropology and archaeology, to the recovery of remains of missing persons. The EAAF was established in 1984 to investigate the cases of at least 10,000 persons who went missing in Argentina during the military government that ruled from 1976–1983. This team of experts now works all over the world, including in Latin America, Africa, Asia and Europe, to recover missing persons from international conflicts. Their project work of exhumation, identification and return of remains of missing persons in Cyprus started in August 2006.

Phase II — anthropological phase

This part of the process involves a team of nine anthropologists analysing the exhumed bone sample remains at the CMP Anthropological Laboratory (located in the United Nations Protected Area) before the samples are sent for genetic laboratory analysis at the CING Laboratory of Forensic Genetics (the Cyprus Institute of Neurology and Genetics) where the DNA identification of samples of skeletal remains takes place.

In March 2008, a Family Viewing Facility was set up to allow the families of missing persons to meet with the scientific team involved in the identification process. This facility also offers the family members an opportunity to view the remains of their lost loved one.

⁵ UN Buffer Zone (dead zone): A 300 km separation barrier along The Green Line (or ceasefire line) between the self-proclaimed “Turkish Republic of Northern Cyprus” and the internationally recognised Republic of Cyprus. Constructed by Turkey, it serves to separate the northern part of the island (which is inhabited by Turks and Turkish Cypriots and has been occupied by Turkish troops since 1974) from the southern part mostly inhabited by Greek Cypriots.

Phase III — genetic phase

The Laboratory of Forensic Genetics (LabFoG) of the Cyprus Institute of Neurology and Genetics (CING) conducts the Genetics phase — identification and matching of remains of missing persons by using DNA methodologies. DNA is extracted from skeletal remains and compared with the genetic profiles of the relatives of missing persons whose blood samples were collected to assist with identifying individuals.

Phase IV — return of remains

1. *Identification process.* The Scientific Reconciliation Team (SRT) — consisting of the Greek Cypriot and Turkish Cypriot scientists working at the CING LabFoG and at the CMP anthropological laboratory — make a decision about the positive and formal DNA identification of the skeletal remains of a missing person.
2. *Return of remains of missing individuals.* The families concerned are informed without delay by a CMP committee member and are offered the option to meet with scientists involved in the identification process and to view the remains. The remains of the identified individual are then returned to the relatives. CMP contributes towards the funeral costs and also a team of psychologists provides support to family members if they need assistance in coping.

Funerals are then held individually. So far the remains of about 596 people from burial sites across the island have been exhumed. Of these, 196 have been identified and returned to relatives — 145 Greek Cypriot and 51 Turkish Cypriot missing persons.

Human rights and international law of missing persons

The missing persons issue has proven to be more than a humanitarian issue. It has become a human rights political issue and an international legal issue where legal cases are filed against governments. Families of missing Greek Cypriots have started filing cases against the Republic of Turkey and the Republic of Cyprus in the European Court of Human Rights (ECHR). A few legal cases will be mentioned in order to illustrate the various issues:

A case was filed by Demetris Koutras Charalambous' family in 2007; Mr Charalambous' remains were exhumed and identified in July 2007. An analysis of the forty-seven year old Mr Charalambous' remains showed that he was tortured and shot twice in the head. He was last seen in his village of Eptakomi, now in the occupied territory, on 15 August 1974⁶ (Coufoudakis, 2008:53). The wife and children of Stelios Savvides Charalambous, whose remains were exhumed and identified in 2006, demanded that

⁶ V. Coufoudakis (2008), *International Aggression and violations of human rights — The case of Turkey in Cyprus*. Minnesota Mediterranean and East European Monographs, Number 17:53, University of Minnesota.

Turkey be condemned by the Court for violation of Charalambous' human rights. The results of a DNA test on his remains (identified on 16 October, 2006), and the post mortem, showed that Charalambous was shot dead with two bullets in the head, having been tortured.

Charalambous was arrested in Yiallousa village, on the northeastern tip of the island, on 19 August 1974 by Turkish troops... He was 37 and unarmed. At the time of his arrest, he was immediately taken away from the rest of the people arrested. Since then, no one has seen him.

He was among other missing persons whose identity was established by the DNA method on October 16, 2006. The bodies were found in a mass grave in Galatea village, in the Karpass peninsula, on northeastern tip.

A medical certificate on the cause of death says that the body was wounded and there was a bullet hole on the skull.⁷

Furthermore, the case of *Cyprus v. Turkey* filed in the *European Court of Human Rights*⁸ makes specific reference to missing persons.

1. Alleged violations of the rights of Greek-Cypriot missing persons and their relatives

The Commission further concluded that its examination of the applicant Government's complaints in the instant application was not precluded by the ongoing work of the CMP. It noted in this connection that the scope of the investigation being conducted by the CMP was limited to determining whether or not any of the missing persons on its list were dead or alive; nor was the CMP empowered to make findings either on the cause of death or on the issue of responsibility for any deaths so established. Furthermore, the territorial jurisdiction of the CMP was limited to the island of Cyprus, thus excluding investigations in Turkey where some of the disappearances were claimed to have occurred. The Commission also observed that persons who might be responsible for violations of the Convention were promised impunity and that it was doubtful whether the CMP's investigation could extend to actions by the Turkish army or Turkish officials on Cypriot territory.⁹

Note that the judgement also specifically states that the scope of the investigation being conducted "was limited to determining whether or not any of the missing persons on its list were dead" and the CMP did not have the authority to determine the cause of death and how the person had died. Despite this being one of the CMP's terms of reference, families continue to pursue legal cases being filed by relatives with specific reference to the "torture and abuse" of their loved ones.

⁷ Cyprus News Agency Media Release. Family of missing Greek Cypriot takes Turkey to ECHR, 7 May 2008.

⁸ (*Application no. 25781/94*), judgment in Strasbourg on 10 May 2001.

⁹ (*Application no. 25781/94*), "Judgment in the case of *Cyprus v. Turkey*" In a Grand Chamber judgment delivered at Strasbourg on 10 May 2001 in the case of *Cyprus v. Turkey*, the European Court of Human Rights. <http://cmiskp.echr.coe.int/tkp197/view.asp?action=html&documentId=697331&portal=hbkm&source=externalbydocnumber&table=F69A27FD8FB86142BF01C1166DEA398649> (Date accessed: 01/09/2010).

Turkey is a High Contracting Party to that convention and with respect to violations of missing persons, Turkey violated Article 2, right of life, Article 3, no torture or inhumane treatment, Article 5, right to liberty and security of the person and Article 8, respect for privacy and family life and home. Furthermore, the killing of innocent civilian and military captives represents a violation of the United Nations and the UN Commission on Human Rights and the Third (on Prisoners of War) and Fourth (civilians) Geneva Conventions (1949). There have also been violations of several Articles of the European Convention which have been addressed, along with violations addressed by the Council of Europe and the European Parliament (Coufoudakis, 2008:54). It is beyond the scope of this paper to discuss the legal implications in great detail, but in brief it is worth noting how these international legal bodies have dealt with the issue of missing persons. In summary, based on applications on missing persons, the European Commission of Human Rights found Turkey guilty of violating Article 5 (right to liberty and security of the person) of the European Convention (in the report on the first two interstate applications by Cyprus against Turkey adopted on 10 July 1976 and declassified on 31 August 1979). On 10 May 2001 the European Court of Human Rights found Turkey guilty of continuing violations of the European Convention — violating Article 2 (right to life) by failing to conduct effective investigations of persons who disappeared while in Turkish custody and under life threatening circumstances. Furthermore, the court determined that Turkey had violated Article 5 of the convention (right to liberty and security of the person) by failing to effectively investigate the fate of the missing who had been in its custody; and further, had violated Article 3 of the convention (inhuman treatment) with reference to the agony of the relatives of the missing persons¹⁰ (Coufoudakis, 2008:55).

In summary, with respect to the issue of missing persons in the judgement of the *Cyprus v. Turkey* case, the Republic of Cyprus claimed in their application that about 1,491 Greek Cypriots were still missing twenty years after the cessation of hostilities. These persons were last seen alive in Turkish custody and their fate has never been accounted for. The Turkish Government's response to this claim was that there was no proof that any of the missing persons were still alive or were being kept in custody and that the issue should continue to be pursued within the framework of the United Nations CMP rather than under the EU Convention.

The EU Commission proceeded on the understanding that its task was not to establish what actually happened to the Greek Cypriot persons who went missing during the Turkish military invasion in Cyprus in 1974, but rather to determine whether or not the alleged failure of the Turkish Government to explain the facts surrounding the disappearances constituted a “continuing violation of the Convention”.

The Commission also had particular regard to its earlier findings in its 1976 and 1983 reports: in its 1976 report it had stated that it was widely accepted that a considerable

¹⁰ V. Coufoudakis, *International Aggression and violations of human rights — The case of Turkey in Cyprus*. Minnesota Mediterranean and East European Monographs, Number 17:55, University of Minnesota.

number of Cypriots were still missing as a result of armed conflict in Cyprus and that a number of persons declared to be missing were identified as Greek Cypriots taken prisoner by the Turkish army. In the 1983 report, it established that there were sufficient indications in an indefinite number of cases that missing Greek Cypriots had been in Turkish custody in 1974 and that this finding once again created a presumption of Turkish responsibility for the fate of these persons.

The Commission also established that the facts surrounding the fate of the missing persons had not been clarified by the Turkish authorities and brought to the notice of the victims' relatives.

Legal cases continue to be filed, including nine families of missing persons filing a case in the ECHR in 1990, represented at *Varnava and Others v. Turkey*. On 10 January 2008 the court found Turkey guilty of violating the convention and ordered Turkey to compensate these families. Violations included: violations of Article 2 of the convention (failure to conduct an effective investigation on the nine missing who disappeared under life-threatening circumstances); continuing violation of Article 3 (inhuman or degrading treatment towards the relatives of the missing as a result of not offering information); and continuing violation of Article 5 (right of liberty and security of the person and failure to conduct an investigation in the case of these specific nine missing, who were deprived of their liberty)¹¹ (Coufoudakis, 2008:56).

The final verdict on the *Varnava and Others v. Turkey* case was reached on 18 September 2009:

The Court ruled that there was continuing violation of Article 2 of the European Convention of Human Rights, which supports the right to life, as well as continuing violation of Article 3, which provides the prohibition of inhuman or degrading treatment.

The ECHR also deemed Turkey's treatment towards two of the missing persons — Eleftherios Thoma and Savvas Hadjipanteli — a “continuing violation of Article 5, the right to liberty and security”. The same article was not violated in respect to the remaining seven men, it ruled.

For the first time ever, the ECHR has ordered Turkey to pay the plaintiffs compensation. “Under Article 41 (just satisfaction) of the Convention, the Court awarded the applicants €12,000 per application of non-pecuniary damage and €8,000 for costs and expenses.”

The amount was yesterday deemed “symbolic” by one of the appeal team's lawyers, Kypros Michaelides, who was asked to comment on how low the amount was.

“It is a small amount, which can be described as symbolic as it shows how seriously the ECHR views the violation of human rights”, said Michaelides.¹²

¹¹ V. Coufoudakis, *International Aggression and violations of human rights — The case of Turkey in Cyprus*. Minnesota Mediterranean and East European Monographs, Number 17:56, University of Minnesota.

¹² *Cyprus Mail* Jacqueline Agathocleous, ECHR: inhuman and degrading treatment of missing persons, Saturday, 19 September, 2009.

Recent developments

The missing persons of Cyprus is an ongoing issue and many more years will pass before all missing, or at least the majority of missing persons are identified and their remains returned to their relatives. In the year of 2009 alone several major developments occurred. Four of the significant ones will be briefly discussed in this paper.

One of the mysteries surrounding the disappearance of the infamous five POWs was solved after 35 years. On 8 August 2009 it was announced that the remains of these five Greek Cypriot soldiers were found — made infamous as they were photographed surrendering to invading Turkish troops in 1974 in an iconic picture — never to be seen again. Their remains and those of 14 other people were exhumed from an abandoned well in late 2006 in the occupied northern Cyprus village of Tziaos. In what became an iconic picture, five Greek Cypriot soldiers were photographed. “The grainy black and white photograph became a symbol of the long fight by Greek and Turkish Cypriots to discover the fate of loved ones who went missing during the conflict” (Voa News, 2009).¹³

The five POWs, who were serving in the National Guard’s 398th Infantry Battalion, were photographed by a Turkish journalist at the time they were taken prisoners and are photographed kneeling with their hands behind their heads, circled by Turkish soldiers.

The photograph, taken on August 1974, the day they were taken prisoner, has appeared many times in the Cypriot and international press. The Turkish photographer was arrested by the National Guard two days later, and the photographic material was found in his possession. The photographer afterwards published the photographs in the Turkish daily *Milliyet*.¹⁴

Furthermore, confessions were made by a Turkish witness who offered information on where mass graves could possibly be located. The news was announced by the Turkish Cypriot newspaper *Africa*, which quotes a Turkish Cypriot man claiming he had witnessed the massacre which he says took place at Kyrenia, the first city to be occupied by the Turkish troops.

According to the eyewitness, the soldiers used their bayonets to kill civilians who arrived in the port region on some busses. The civilians, more than 300, were to be deported to Turkey. The eyewitness also said that the bodies of the victims were buried in a mass grave near the MareMonte hotel in Kyrenia.¹⁵

¹³ Nathan Morley (2009), “Cyprus Mystery Solved After 35 Years”. <http://www.voanews.com/english/2009-08-11-voa19.cfm> (Date Accessed: 11/08/2009).

¹⁴ “Greek Cypriot POWs’ remains identified in mass grave in occupied village, Greek parties’ reactions”. <http://www.ana-mpa.gr/anaweb/user/showplain?maindoc=7853888&service=142> (Date Accessed: 10/08/2009).

¹⁵ “Cyprus:Turks killed 300 civilians in August ’74.” <http://www.ansamed.info/en/news/ME03.@AM55702.html> (Date Accessed: 31/08/2009).

According to the anonymous interview, a Turkish Cypriot man said he had witnessed the brutal murder of 320 Greek Cypriot prisoners of war when he was serving in the army.

The man said the captives were meant to be shipped to prisons in Turkey but instead were killed with bayonets by Turkish soldiers on the Kyrenia beach.

The witness believed that the bodies may have been buried near a hotel in Kyrenia.

Christophe Girod, the third member for the CMP, said yesterday that the allegations will be investigated.

“We take everything seriously. We check everything and follow-up everything that comes to our attention” he said.¹⁶

Turkish actor Attila Olgac confessed on national Turkish television that he was ordered to kill Greek Cypriot POWs.

“We express our shock about the confession of the Turkish actor Olgac, which reveals the brutality and the barbarity of Turkey in 1974, as well as the fact that Turkey has violated international law and specifically the Geneva Convention”, Stephanou said.

He added that the confession stresses Turkey’s obligation to fully implement a decision of the European Court of Human Rights, in the 4th Interstate Application of Cyprus versus Turkey, and in the cases of Greek Cypriot missing persons versus Turkey.

Olgac’s graphic and clear recollections have left many in shock. The actor said he first shot dead a 19-year-old prisoner of war, then another nine POWs.

He said since the killings he has “not been able to stand the sight of blood or eat meat”.¹⁷

Since the confession the Cypriot Government has considered filing a case in the ECHR and the CMP has considered approaching him for further information on missing persons.

¹⁶ “CMP aware of Kyrenia massacre reports.”

<http://www.cyprus-mail.com/cyprus/cmp-aware-kyrenia-massacre-reports> (Date Accessed: 02/09/2009).

¹⁷ Andy Ioannou, “Government demands investigation after Turkish actor’s confession”, *Famagusta Gazette*, 24 January 2009. <http://famagusta-gazette.com/default.asp?sourcoid=&smenu=69&twindow=Default&mad=No&sdetail=7402&wpage=&skeyword=&sidate=&ccat=&ccatm=&restate=&restatus=&reoption=&retype=&repmin=&repmax=&rebed=&rebath=&subname=&pform=&sc=2350&hn=famagusta-gazette&he=.com> (Date Accessed: 25/05/2010).

Table: 1¹⁸

<i>Latest Statistics (updated March 2011)</i>	
1,464	<i>Greek Cypriot Missing Persons</i>
494	<i>Turkish Cypriot Missing Persons</i>
<i>As of 30 December 2009</i>	
771	<i>Sets of remains exhumed</i>
497	<i>Burial sites visited and opened</i> <i>(294 sites did not contain any human remains)</i>
442	<i>Sets of remains analysed at CMP anthropological laboratory</i>
1,424	<i>Skeletal elements transferred to the Laboratory of Forensic Genetics of the Cyprus Institute of Neurology and Genetics (CING) for DNA analysis</i>
1,270	<i>DNA analysis performed by the CING</i>
270	<i>Identified missing individuals returned to their families</i>
	<i>212 Greek Cypriot</i>
	<i>58 Turkish Cypriot</i>

Conclusion

The Greek and Turkish leaders have met regarding missing persons over the past 30 years. It is so clear that a solution to the issue of the missing persons would greatly contribute to reconciliation on the island. This is still a very current and ongoing international humanitarian problem and developments are being happening in the past few years. The next 5–10 years will possibly see the end to the missing persons.

¹⁸ “Resumption of the work of the Committee”, Quick Statistics fact sheet, CMP Website, Cyprus, 2011. http://www.cmp-cyprus.org/nqcontent.cfm?a_id=1344&tt=graphic&lang=11 (Date accessed: 09/03/2011).

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