

**NORTH CYPRUS: Buy a villa and go to jail****UPDATED: April, 2009****NORTH CYPRUS: Buy a villa and watch it being demolished**

**The European Court of Justice ruled this week in Luxembourg that a judgment of a Court in the Republic of Cyprus must be recognized and enforced by the other EU member states even if it concerns land situated in the Turkish occupied areas of Cyprus.**

The ruling concerned the right of a Greek Cypriot to reclaim his land in northern Cyprus that has been illegally sold to a UK couple.

Meletis Apostolides was one of more than 200,000 Greek Cypriots who fled their homes when Turkish forces invaded the northern part of the island in 1974. The land has since been sold to Britons Linda and David Orams, who built a villa on it.

The European Court of Justice said a 2005 ruling in a Cypriot court that the villa must be demolished is applicable. Even if the ECJ ruling cannot be enacted because the land is under Turkish Cypriot control, it means Apostolides will be able to pursue a claim for compensation in a UK court. Most importantly, the ruling is expected to encourage many Greek Cypriots to take legal action against foreigners living in their properties in the north and demand restitution.

The ECJ made it clear that the decision of the Cypriot court was applicable in the north, even though Cyprus does not currently exercise control there. It also said that one EU country, in this case the UK, must recognize judgments made in the courts of another.

An estimated 5,000 Britons and other foreigners have invested in property in northern Cyprus, despite the legal ownership being in doubt.

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The message from the Cyprus government could not be clearer for would be property-owners – if you buy real estate in the Turkish occupied north of the island, you could face extradition and jail time.

The northern area of the Republic of Cyprus, under military occupation by Turkey since 1974, has been experiencing an unprecedented construction and "property sale" boom including current attempts to market such properties in Europe and elsewhere in the world. The vast majority of the properties affected by this boom are owned by Greek Cypriots who were forcibly expelled from their homes due to the Turkish invasion.

According to the 1964 Land and Registry record, approximately 82% of the privately owned land in the territory now under Turkish occupation was owned by persons belonging to the Greek Cypriot community, while persons belonging to the Turkish Cypriot community owned approximately 16.7%. That position still obtained in 1974.

Anyone who has "bought" or is seeking to "buy" Greek Cypriot - owned property in the occupied part of the Republic does so illegally. Anyone contributing to the ongoing plunder of such properties becomes a potential target for criminal and civil law suits in the courts of the Republic of Cyprus. The resulting arrest warrants and decisions could then be judicially enforced abroad.

The European Court of Human Rights, in its decision of 18 December 1996, on the appeal by a Greek Cypriot refugee from Kyrenia Mrs. Titina Loizidou against Turkey, concluded that Turkey violated the ownership rights of Mrs. Loizidou by preventing her from enjoying her property in Kyrenia. The Court also decided that "the Republic of Cyprus remains the sole legal Government of Cyprus. This means that the Republic of Cyprus continues to maintain full legal rights over its entire area and population, albeit temporarily hindered from exercising such rights in the occupied areas due to the use of military violence.

Any Cypriot citizen can thus appeal to a Court of the Republic of Cyprus accusing a European Union citizen who lives or spends time in the Turkish-occupied areas of illegally possessing or exploiting his property, and the Court may approve the issue of a warrant for his arrest so that he can be charged. Due to the difficulty of making an arrest because the defendant lives in the occupied areas or has already left for another European Union country, the Court will have the power to issue a European arrest warrant. Consequently, the defendant will be liable for an arrest in whichever one of the European Union countries he may find himself.

The Courts of the Republic of Cyprus have this power following the passing of a law on 17.3.2005 by the Cyprus House of Representatives with amends Article 281 of the Penal Code, as a result of which the crime of illegal occupation, cultivation, distribution or use of immovable property carries a prison sentence of up to two years or/and a fine of up to C£5000. Before the approval of the amendment, the law provided, for this crime, a prison sentence of 6 months or/and a fine of C£450, which did not allow for the issue of an arrest warrant to trespassers. The reason for this was that for a European arrest warrant to be issued, on the basis of the community law which also applies to Cyprus, the crime for which the warrant is issued must carry a prison sentence of at least one year.

So, if a European national buys a villa in the Northern occupied part of Cyprus on land belonging to Greek Cypriots, he or she is more than likely to be arrested anywhere in the EU and jailed in Cyprus.

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