

are some restrictions from the viewpoint of the child's best interest, the parties may request the family court to force direct compliance or order compulsory payment to enforce an order on return of child, and request the court to order compulsory payment to enforce court order on visitation, depending on the facts of each case. There have been many cases where return of children and visitation were successfully implemented under the current system.

In addition, there have been cases where US embassy or consular officials were unable to resolve child custody matters but sought and received assistance from Ministry of Foreign Affairs of Japan (MOFA). In these instances, MOFA officials made diligent and even intensive efforts to convey the US government's request to the Japanese parents in question and/or their lawyers through all appropriate measures, including making telephone calls and sending letters. Because parents, children and their families usually have very complicated feelings in such matters, the Ministry's contacts are often rejected at first. However, the MOFA officials make repeated efforts to contact them and to hold sincere talks with them.

In the US-Japan consultative group, we would like to exchange information about the current situation regarding consular visits and child visitations and discuss effective and appropriate means and methods and points to be improved with regard to these systems.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. I yield back the balance of my time, Mr. Speaker.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California (Mr. BERMAN) that the House suspend the rules and agree to the resolution, H. Res. 1326, as amended.

The question was taken.

The SPEAKER pro tempore. In the opinion of the Chair, two-thirds being in the affirmative, the yeas have it.

Mr. MORAN of Virginia. Mr. Speaker, on that I demand the yeas and nays. The yeas and nays were ordered.

The SPEAKER pro tempore. Pursuant to clause 8 of rule XX and the Chair's prior announcement, further proceedings on this motion will be postponed.

#### CALLING ON TURKISH-OCCUPIED CYPRUS TO PROTECT RELIGIOUS ARTIFACTS

Mr. TANNER. Mr. Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1631) calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus as well as for general respect for religious freedom.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1631

Whereas the Government of Turkey invaded the northern area of the Republic of Cyprus on July 20, 1974, and the Turkish military continues to illegally occupy the territory to this day;

Whereas the Church of Cyprus has filed an application against Turkey with the European Court of Human Rights for violations of

freedom of religion and association as Greek Cypriots in the occupied areas are unable to worship freely due to the restricted access to religious sites and continued destruction of the property of the Church of Cyprus;

Whereas according to the United Nations-brokered Vienna III Agreement of August 2, 1975, "Greek-Cypriots in the north of the island are free to stay and they will be given every help to lead a normal life, including facilities for education and for the practice of their religion . . .";

Whereas according to the Secretary General's Report on the United Nations Operation in Cyprus in June 1996, the Greek Cypriots and Maronites living in the northern part of the island "were subjected to severe restrictions and limitations in many basic freedoms, which had the effect of ensuring that inexorably, with the passage of time, the communities would cease to exist";

Whereas the very future and existence of historic Greek Cypriot, Maronite, and Armenian communities are now in grave danger of extinction;

Whereas the Abbot of the Monastery of the Apostle Barnabas is routinely denied permission to hold services or reside in the monastery of the founder of the Church of Cyprus and the Bishop of Karpas has been refused permission to perform the Easter Service for the few enclaved people in his occupied diocese;

Whereas there are only two priests serving the religious needs of the enclaved in the Karpas peninsula, Armenians are not allowed access to any of their religious sites or income generating property, and Maronites are unable to celebrate the mass daily in many churches;

Whereas in the past Muslim Alevis were forced out of their place of prayer and until recently were denied the right to build a new place of worship;

Whereas under the Turkish occupation of northern Cyprus, religious sites have been systematically destroyed and a large number of religious and archaeological objects illegally looted, exported, and subsequently sold or traded in international art markets, including an estimated 16,000 icons, mosaics, and mural decorations stripped from most of the churches, and 60,000 archaeological items dating from the 6th to 20th centuries;

Whereas at a hearing held on July 21, 2009, entitled "Cyprus' Religious Cultural Heritage in Peril" by the U.S. Helsinki Commission, Michael Jansen provided testimony detailing first-hand accounts of Turkish soldiers throwing icons from looted churches onto burning pyres during the Turkish invasion and provided testimonies of how churches were left open to both looters and vandals with nothing done to secure the religious sites by the Turkish forces occupying northern Cyprus;

Whereas Dr. Charalampos G. Chotzakakoglou also provided testimony to the U.S. Helsinki Commission that around 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery;

Whereas 80 Christian churches have been converted into mosques, 28 are being used by the Turkish army as stores and barracks, 6 have been turned into museums, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, cultural centers, theaters, barns, workshops, and one is even used as a mortuary;

Whereas expert reports indicate that since 2004 several churches have been leveled, such as St. Catherine Church in Gerani which was bulldozed in mid-2008, the northern wall of the Chapel of St. Euphemia in Lysi which was destroyed by looters as they removed all

metal objects within the wall, the Church of the Holy Virgin in the site of Trachonas was used as a dancing school until the Turkish occupiers built a road that destroyed part of it in March 2010, the Church of the Templars was converted into a night club, and the Church of Panagia Trapeza in Acheritou village was used as a sheep stall before it was recently destroyed by looters removing metal objects from medieval graves within the church;

Whereas the Republic of Cyprus discovered iron-inscribed crosses stolen from Greek cemeteries in the north in trucks owned by a Turkish-Cypriot firm that intended to send them to India to be recycled;

Whereas United States art dealer Peggy Goldberg was found culpable for illegally marketing 6th century mosaics from the Panagia Kanakaria church because the judge found that a "thief obtains no title or right of possession of stolen items" and therefore "a thief cannot pass any right of ownership . . . to subsequent purchasers";

Whereas the extent of the illicit trade of religious artifacts from the churches in the Turkish occupied areas of northern Cyprus by Turkish black market dealer Aydin Dikmen was exposed following a search of his property by the Bavarian central department of crime which confiscated Byzantine mosaics, frescoes, and icons valued at over €30 million;

Whereas a report prepared by the Law Library of Congress on the "Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law" for the U.S. Helsinki Commission details what obligations the Government of Turkey has as the occupying power in northern Cyprus for the destruction of religious and cultural property there under international law;

Whereas the Hague Convention of 1954 for the Protection of Cultural Property During Armed Conflict, of which Turkey is a party, states in article 4(3) that the occupying power undertakes to "Prohibit, prevent and, if necessary, put a stop to any form of theft, pillage or misappropriation of any acts of vandalism directed against cultural property";

Whereas according to the 1970 United Nations Educational, Scientific and Cultural Organization (UNESCO) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership which has been ratified by Cyprus and Turkey, parties are required to take steps to prevent illicit traffic through the adoption of legal and administrative measures and the adoption of an export certificate for any cultural object that is exported, and "illicit" refers to any export or transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power;

Whereas according to the European Court of Human Rights in its judgment in the case of Cyprus v. Turkey of May 10, 2001, Turkey was responsible for continuing human rights abuses under the European Convention on Human Rights throughout its 27-year military occupation of northern Cyprus, including restricting freedom of movement for Greek Cypriots and limiting access to their places of worship and participation in other aspects of religious life;

Whereas the European Court further ruled that Turkey's responsibility covers the acts of soldiers and subordinate local administrators because the occupying Turkish forces have effective control of the northern part of the Republic of Cyprus;

Whereas in March 2008, President Christofias and former Turkish Cypriot leader Talat agreed to the setting up of a "Technical Committee on Cultural Heritage" with a mandate to engage in "serious work" to

protect the varied cultural heritage of the entire island;

Whereas this Committee was developing a list of all cultural heritage sites on the island to create an educational interactive program for the island's youth to understand the shared heritage and to undertake a joint effort to restore the Archangel Michael Church and the Arvnut Mosque;

Whereas while significant work was done on the Arvnut Mosque, the Archangel Michael Church remains in disrepair; and

Whereas, on July 16, 2002, and again in 2007, the United States and the Government of the Republic of Cyprus signed a Memorandum of Understanding to impose import restrictions on categories of Pre-Classical and Classical archaeological objects, as well as Byzantine period ecclesiastical and ritual ethnological materials, from Cyprus: Now, therefore, be it

*Resolved*, That the House of Representatives—

(1) expresses appreciation for the efforts of those countries that have restored religious property wrongly confiscated during the Turkish occupation of northern Cyprus;

(2) welcomes the efforts of many countries to address the complex and difficult question of the status of illegally confiscated religious art and artifacts, and urges those countries to continue to ensure that these items are restored to the Republic of Cyprus in a timely, just manner;

(3) welcomes the initiatives and commitment of the Republic of Cyprus to work to restore and maintain religious heritage sites;

(4) urges the Government of Turkey to—

(A) immediately implement the United Nations Security Council Resolutions relevant to Cyprus as well as the judgments of the European Court of Human Rights;

(B) work to retrieve and restore all lost artifacts and immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and antiquities; and

(C) allow for the proper preservation and reconstruction of destroyed or altered religious sites and immediately cease all restrictions on freedom of religion for the enclaved Cypriots;

(5) calls on the United States Commission on International Religious Freedom to investigate and make recommendations on violations of religious freedom in the areas of northern Cyprus under control of the Turkish military;

(6) calls on the President and the Secretary of State to include information in the annual International Religious Freedom and Human Rights reports on Cyprus that detail the violations of religious freedom and humanitarian law including the continuous destruction of property, lack of justice in restitution, and restrictions on access to holy sites and the ability of the enclaved to freely practice their faith;

(7) calls on the State Department Office of International Religious Freedom to address the concerns and actions called for in this resolution with the Government of Turkey, OSCE, the United Nations Special Rapporteur on Freedom of Religion or Belief, and other international bodies or foreign governments;

(8) urges OSCE to ensure that member states do not receive stolen Cypriot art and antiquities; and

(9) urges OSCE to press the Government of Turkey to abide by its international commitments by calling on it to work to retrieve and restore all lost artifacts, to immediately halt destruction on religious sites, illegal archaeological excavations, and traffic in icons and antiquities, to allow for the proper preservation and reconstruction of destroyed or altered religious sites, and to immediately

cease all restrictions on freedom of religion for the enclaved Cypriots.

The SPEAKER pro tempore. The gentleman from Tennessee (Mr. TANNER) and the gentleman from New Jersey (Mr. SMITH) each will control 20 minutes.

The Chair recognizes the gentleman from Tennessee.

#### GENERAL LEAVE

Mr. TANNER. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days to revise and extend their remarks and include extraneous material on the resolution under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Tennessee?

There was no objection.

Mr. TANNER. Mr. Speaker, I rise in support of this legislation.

One of the most tragic aspects of Turkey's 1974 invasion of Cyprus and subsequent occupation of the northern part of that country has been the desecration and destruction of religious property, primarily Greek Orthodox, and other manifestations of contempt for freedom of worship.

I reserve the balance of my time.

Mr. SMITH of New Jersey. Mr. Speaker, I yield such time as he may consume to the author of the resolution, the gentleman from Florida (Mr. BILIRAKIS), a member of the committee.

Mr. BILIRAKIS. Mr. Speaker, I rise today in support of H. Res. 1631, a resolution calling for protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus, as well as for general respect for religious freedom.

First, I would like to recognize my colleagues for this incredible bipartisan effort. Thank you so much to Ranking Member ILEANA ROS-LEHTINEN and Chairman BERMAN, not only for their cosponsorship but also for assisting in fast-tracking this measure to the House floor.

Also, thanks to my Hellenic Caucus cochair, CAROLYN MALONEY, and all of my colleagues who are cosponsors, including the U.S. House's strongest champion of human rights, CHRIS SMITH. This display of bipartisanship illustrates that Congress can work together in a collegial spirit when it comes to protecting religious freedom throughout the world.

As cosponsor and cochair of the Hellenic Caucus and member of the International Religious Freedom Caucus, we've introduced this measure to highlight the continued violations that are taking place on the divided island nation of Cyprus. Even as Cyprus celebrates the 50th anniversary of its independence, we are reminded that roughly one-third of Cyprus continues to be under Turkish military occupation since 1974. This resolution demands that Turkey be held responsible for the continued violations of humanitarian law with respect to the destruction of religious and cultural property in Cyprus.

The Turkish military, which continues to illegally occupy northern Cyprus, has overseen the systematic destruction of religious sites and the illegal looting of a large number of religious and archaeological objects. When northern Cyprus was invaded, churches were left open to looters and to vandals. The Turkish forces, though required to secure the religious sites by several conventions to which it is a signatory, failed to do so.

Around 500 churches, monasteries, cemeteries, and other religious sites belonging to Greek Cypriots, Armenians, and Maronites have been desecrated, pillaged, looted, and destroyed, including one Jewish cemetery. Eighty Christian churches have been converted into mosques; 28 are being used by the Turkish army as stores and barracks, and many others are used for other nonreligious purposes such as coffee shops, hotels, public baths, nightclubs, stables, theaters, and barns.

Since 2004, at least 15 churches have been leveled, such as St. Catherine's Church in the district of Famagusta, which was bulldozed in mid-2008. Additionally, the Church of the Holy Virgin in the site of Trachonas was used as a dancing studio until the Turkish occupiers built a road that destroyed part of it in March 2010. And the Church of the Templars was converted into a nightclub. These are a few examples of the destruction that has been overseen by the Turkish military, if not directly perpetrated by it.

Mr. Speaker, this resolution urges the Government of Turkey to immediately implement the United Nations Security Council resolutions relevant to Cyprus, as well as the judgments of the European Court of Human Rights, by retrieving and restoring all lost artifacts and immediately halting destruction on religious sites, stopping illegal archaeological excavations, and ceasing to traffic in icons and antiquities.

Further, proper preservation and reconstruction of destroyed or altered religious sites must immediately take place, and all restrictions on freedom of religion for the enclaved Cypriots must end.

Mr. Speaker, I hope the beginning of the next 50 years of Cyprus' statehood is marked by the immediate removal of the Turkish occupation forces, followed by immediate reunification of the island nation in which respect for human rights and fundamental freedoms for all Cypriots is a reality.

I urge swift passage of this resolution.

□ 1600

Mr. TANNER. Madam Speaker, I am pleased to yield 3 minutes to the gentlewoman from New York (Mrs. MALONEY).

Mrs. MALONEY. I thank the gentleman for yielding and for his leadership on this and so many other important issues.

Madam Speaker, I rise in strong support of H.R. 1631, a resolution calling for the protection of religious sites and artifacts in Turkish-occupied areas of northern Cyprus. I joined my Hellenic Caucus cochair and good friend and colleague, Representative GUS BILIRAKIS, in introducing this important resolution before us today. And I would like to particularly thank Chairman BERMAN for his work in bringing this resolution to the floor today for a vote.

I am honored to represent Astoria, Queens, one of the largest and most vibrant communities of Greek and Cypriot Americans in this country. This year we marked the 36th anniversary of the Turkish invasion and continuing illegal occupation of the northern part of the Republic of Cyprus. Since the 1974 invasion, many priceless symbols of Cyprus' religious and cultural heritage have been destroyed, looted, or vandalized, and even stolen, or illegally shipped for sale abroad. Very disturbing is the way the churches have been razed, converted into barns, into barracks, into beer halls with total disrespect to their religious importance. To date, Turkey has repeatedly ignored all U.N. resolutions pertaining to Cyprus and has continued to occupy the island in complete violation of international law.

As Cyprus prepares to celebrate its 50th anniversary, we in Congress have a responsibility to make our voices heard on our ultimate goal of a reunified and prosperous Cyprus where Greek Cypriots and Turkish Cypriots can live together in peace, security, and stability. Passage of this resolution would demonstrate the United States' commitment to protecting the rights and fundamental freedoms of the Cypriot people, religious freedom on the island of Cyprus, and religious freedom for people everywhere.

In the interest of time, I would like to place in the RECORD this report from the Library of Congress pertaining to the destruction of cultural property and religious sites in Cyprus.

I urge all of my colleagues to vote in support of this important resolution.

[Law Library of Congress]

CYPRUS—DESTRUCTION OF CULTURAL PROPERTY IN THE NORTHERN PART OF CYPRUS AND VIOLATIONS OF INTERNATIONAL LAW

EXECUTIVE SUMMARY

Due to the military invasion by Turkey in July and August 1974, the Republic of Cyprus has been de facto divided into two separate areas: the southern area under the Government of Cyprus, which is recognized as the only legitimate government; and the northern area, amounting to approximately 36 percent of the territory, under the non-recognized, illegal, and unilaterally declared "Turkish Republic of Northern Cyprus" ("TRNC"). As documented, the northern part of Cyprus has experienced a vast destruction and pillage of religious sites and objects during the armed conflict and continuing occupation. In addition, a large number of religious and archaeological objects have been illegally exported and subsequently sold in art markets. The Republic of Cyprus has asserted its ownership over its religious and archaeological sites located in Cyprus

through use of its domestic legislation. The Cyprus government and the Church of Cyprus claim that such religious sites constitute part of Cyprus' cultural property and are of paramount importance to the collective history and memory of the people of Cyprus as a nation, as well as to humankind. In a few instances, Cyprus, either through diplomatic channels or through legal action, has been successful in repatriating religious and archaeological objects.

Protection of religious sites and other cultural property during armed conflict and occupation falls within the ambit of international humanitarian law, otherwise known as the law of war. The basic principle is that cultural property must be safeguarded and protected, subject to military necessity only when such property has been converted to a military objective. Pursuant to the major international agreement on this subject, the 1954 Hague Convention for the Protection of Cultural Property During Armed Conflict and its Protocols, as well as the legal regime on occupation, Turkey, as a state party, is required to refrain from acts of hostility and damage against cultural property located in the northern part of Cyprus; to prohibit and prevent theft, pillage, or misappropriation of cultural property; and to establish criminal jurisdiction to prosecute individuals who engage in acts of destruction, desecration, and pillage. Archaeological excavations in the occupied northern part of Cyprus are prohibited unless they are critical to the preservation of cultural property; in such a case, excavations must be carried out with the cooperation of the national competent authorities of the occupied territory. Such violations of conventional and customary international rules on the protection of cultural property may give rise to legal responsibility on the part of Turkey as the occupying power before an international court or tribunal, provided that other requirements are met. A legal precedent for the responsibility of Turkey for actions against cultural property would be the judgments of the European Court of Human Rights. The Court, based on the "effective control" test, used in *Loizidou v. Turkey*, found Turkey responsible for deprivation of private property of Greek-Cypriots expelled from the occupied northern part of Cyprus.

The International Criminal Tribunal for the Former Yugoslavia (ICTY) and the Rome Statute of the International Criminal Court (ICC) consider the destruction of cultural property to be a war crime. The ICTY has held individuals accountable for the destruction or damage done to institutions dedicated to religious, artistic, scientific, or historic monuments. Moreover, the ICTY has reaffirmed that the rules on protection of cultural property during armed conflict have achieved the status of customary international law; thus, they are binding erga omnes, against all states, even if a state is not party to an international humanitarian law instrument.

Two international Conventions governing protection of cultural property apply to the issue of illicit traffic and exportation of cultural property from the northern part of Cyprus: a) the 1970 UNESCO (United Nations Educational, Scientific, and Cultural Organization) Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership; and b) the 1995 UNIDROIT (International Institute for the Unification of Private Law) Convention on Stolen or Illegally Exported Cultural Objects. A basic objective of both Conventions is to fight the illicit trade in art and cultural property. Under the 1970 Convention, which has been ratified by Cyprus and Turkey, parties are required to take steps to prevent illicit traffic through the adoption of legal and

administrative measures and the adoption of an export certificate for any cultural object that is exported. Cyprus has complied with these requirements. In addition, the 1970 Convention regards as "illicit" any export or transfer of ownership of cultural property under compulsion that arises from the occupation of a country by a foreign power. The 1995 UNIDROIT Convention establishes uniform rules for restitution claims by individuals regarding stolen cultural objects and return claims by states regarding illicitly exported cultural objects. While Cyprus has ratified the Convention, Turkey has not.

The Cyprus Government stresses that the optimum way to preserve and protect its cultural property is to find a solution to the Cyprus issue and the end of the military occupation of the northern part of Cyprus. Meanwhile, Cyprus may opt, inter alia, to utilize judicial remedies to resolve outstanding disputes pertaining to its cultural and religious property either before foreign courts, as it has already done, or international and regional courts, provided that other criteria are met.

I. INTRODUCTION

Following the military invasion of Cyprus in 1974 and the continuing occupation of the northern part of Cyprus by Turkey, it has been documented that extensive destruction, desecration, and pillage of religious sites and other historic monuments, as well as some disputed archaeological excavations and illegal exportation of objects, have occurred in the northern part of Cyprus. The Government of Cyprus claims that the impetus behind the acts of destruction and desecration of religious sites is the obliteration of their cultural and religious symbols, which form part of the cultural and spiritual heritage of Cyprus; as such they are extremely significant not only for the Greek-Cypriots, but also for the entire population of Cyprus and for humankind in general. On the other hand, the unilaterally declared and unrecognized (with the exception of Turkey) "state" of the "Turkish Republic of Northern Cyprus" ("TRNC") argues that its competent authorities are engaged in actions designed to preserve and protect religious sites, regardless of their origin and, moreover, that the excavations are taking place within the "TRNC's" own "sovereign" area.

It is against this background that this report analyses the international legal framework governing the protection of cultural property in the northern part of Cyprus. The report also examines the rights and obligations of Turkey and Cyprus arising out of international agreements and especially the legal consequences of the destruction and pillage of Cyprus' religious and cultural property by "TRNC."

The analysis focuses on the international legal norms and standards applicable to:

- (a) The protection of cultural property during armed conflict;
- (b) Occupied territory;
- (c) The protection of cultural property against the illicit trade and export of artifacts; and,
- (d) Religious intolerance.

In order to draw out the issues, the report provides a historical background, continuing to the time of the de facto partition of the island and the ensuing military occupation. Also included is a brief description of the reported destruction of cultural property that occurred in the northern part of Cyprus and an overview of Cyprus' domestic ownership laws on cultural property. In analyzing the international legal standards applicable to the protection of cultural property, this report examines three key legal issues:

- (a) Whether religious sites in Cyprus (including churches, chapels, monasteries, synagogues, and mosques used by the Greek

Cypriot community and other minorities for religious purposes) qualify as “cultural property” as defined in the relevant law and thus warrant international protection;

(b) Whether the northern part of Cyprus meets the legal definition of an occupied territory; and

(c) Whether the destruction of religious sites in the northern part of Cyprus could give rise to international responsibility on the part of the occupying Turkish military forces in Cyprus; the sub-issue of whether “TRNC” bears any degree of responsibility is briefly touched upon as well.

The report concludes with a short overview of courses of action available to the Republic of Cyprus to pursue its legal claims against the destruction, illicit trade, and transfer of its cultural property.

## II. HISTORICAL BACKGROUND

The Republic of Cyprus is a small nation in size and population with a very rich and ancient history and civilization. Archeological findings indicate that Cyprus was inhabited around 7,000 B.C. The island was exposed to Christianity early, with the visit of Apostles Barnabas and Peter. During the Byzantine era, Cyprus was under the administration of Byzantine emperors for approximately 800 years (395–1191 A.D.).<sup>1</sup> It was during this time that a great number of churches were built and decorated with mosaics and frescoes of exquisite beauty.<sup>2</sup> In 1571, Cyprus became part of the Ottoman Empire and in 1878 fell under British rule.

After a long period as a British colony,<sup>3</sup> the Republic of Cyprus became an independent nation on August 16, 1960, with the signing of the Treaty of Alliance, Treaty of Guarantee, and the adoption of the Cyprus Constitution.<sup>4</sup> Under the Treaty of Guarantee,<sup>5</sup> the three guarantor powers, Greece, Turkey and the United Kingdom, agreed to safeguard and respect the independence and sovereignty of Cyprus. Cyprus' population is composed of two communities; Greek-Cypriots, and Turkish-Cypriots. The two communities are linguistically and religiously distinct from each other. They had long inhabited the island in peaceful symbiosis, with some sporadic periods of political instability and internal strife. Prior to 1974, the Greek-Cypriot community comprised 80 percent of the population of Cyprus, the Turkish-Cypriots totaling approximately 18 percent, with the balance being comprised of a small percentage of Armenians, Maronites, and Latin.<sup>6</sup>

Since the 1974 military invasion of Cyprus by Turkey and the ensuing occupation of the northern 37 percent of the island, the Republic of Cyprus has been de facto divided into two separate areas, with the southern area under the government of Cyprus, which is recognized as the only legitimate government, and the northern area under the non-recognized, illegal, and unilaterally declared “TRNC.” The United Nations Peacekeeping Force in Cyprus (UNFICYP) was established in 1964 after the eruption of intercommunal violence in 1963, and is in control along the so called “green line” to guarantee maintenance of peace and security between the two communities.<sup>7</sup> The military invasion by Turkey was precipitated when the Greek military regime, with the assistance of the Cypriot armed forces, planned and executed a coup d'etat against the government of Archbishop Makarios, the first elected President of the Republic of Cyprus. On July 20, 1974, Turkey, using the coup d'etat as grounds to allegedly protect the Turkish community, intervened militarily in Cyprus in order to “reestablish the constitutional order.”<sup>8</sup> A series of unsuccessful peace negotiations ensued between the two communities under the auspices of the United Nations (UN) until

August 14, 1974, when Turkey initiated a second military attack on Cyprus and occupied 36.02 percent of the territory of the Republic of Cyprus.<sup>9</sup>

As a result of the 1974 Turkish invasion of Cyprus, almost 200,000 Greek-Cypriots fled their homes in the north and either became refugees or were internally displaced, and eventually settled in the southern part of Cyprus. The Turkish-Cypriots who lived in various parts of the island prior to 1974 moved to the north.<sup>10</sup>

Currently, the population of Cyprus includes approximately 660,000 Greek-Cypriots who live in the south, 89,000 Turkish-Cypriots in the north, and a Turkish military force of approximately 43,000. Moreover, Turkey has brought close to 160,000 Turkish settlers to the northern part of Cyprus from mainland Turkey in an effort to alter the demographics of Cyprus. The European Court of Human Rights of the Council of Europe, to which Turkey and Cyprus are members, in numerous instances has found Turkey to have violated various human rights in the northern part of Cyprus, in particular the rights of individuals to their property, and the right to life, liberty, and security.

The “TRNC” was unilaterally proclaimed in 1983 and adopted a Constitution. The United Nations Security Council, in Resolutions 541 and 550, adopted in 1983 and 1984, respectively, declared the secession invalid, null, and void. The Security Council also urged the Cyprus: Destruction of Cultural Property—April 2009 The Law Library of Congress international community not to recognize the “TRNC.”<sup>11</sup> Thus far, no country (with the exception of Turkey) has recognized the “TRNC” as a separate state under international law. The United Nations, the European Union (EU),<sup>12</sup> the Council of Europe,<sup>13</sup> and others<sup>14</sup> have repeatedly reaffirmed the status of the Republic of Cyprus as the only legitimate government. A number of national and international courts, in adjudicating legal issues that have incidentally raised the question of the status of the “TRNC,” have not recognized its legitimacy.<sup>15</sup>

On May 1, 2004, the Republic of Cyprus, as a single state, joined the EU.<sup>16</sup> For the time being, the entire body (acquis communautaire) of EU law applies only to the southern part of the \* \* \*

## END NOTES

<sup>1</sup>Kypros Chrysostomides, *The Republic of Cyprus: A Study in International Law* (2000); see also Republic of Cyprus, Press and Information Office, *The Almanac of Cyprus* 16 (1996); Republic of Cyprus, Press and Information Office, *Window on Cyprus* (2005).

<sup>2</sup>Chrysostomides, *supra* note 1.

<sup>3</sup>In 1914, Cyprus was annexed by Great Britain. Between the period of 1925 to 1960 Cyprus had the status of a Crown colony. For an analysis of the history of Cyprus, see Chrysostomides, *supra* note 1. See also, Criton G. Tornaritis, *Cyprus and Its Constitution and Other Legal Problems* (1980).

<sup>4</sup>M. Alamides, *The Constitution of the Republic of Cyprus* 3 (2004).

<sup>5</sup>Treaty of Guarantee, Aug. 16, 1960, 382 U.N.T.S. 3.

<sup>6</sup>Chrysostomides, *supra* note 1. Appendix E of the 1960 Cyprus Constitution recognizes three religious groups in Cyprus consisting of Armenians, Maronites, and Latins. Latins originated from the Franciscan Order of the Roman Catholic Church and were established in Cyprus during the Ottoman period. Members of these groups are guaranteed human rights and freedoms comparable to those afforded by the European Convention of Human Rights and are also constitutionally protected against discrimination.

<sup>7</sup>The role of the UNFICYP was expanded in response to the Turkish military invasions.

For information on the UNFICYP, see <http://www.un.org/Depts/dpko/missions/unficypr/>.

For an analysis of the efforts of the United Nations to find a workable solution to the Cyprus problem, see Claire Palley, *An International Relations Debatle*, The UN Secretary-General's Mission of Good Offices in Cyprus 1999–2004 (2005).

<sup>8</sup>Chrysostomides, *supra* note 1.

<sup>9</sup>Chrysostomides, *Cyprus—The Way Forward* 63 (2006).

<sup>10</sup>See Ministry of Foreign Affairs of the Republic of Cyprus, *The Third Vienna Agreement—August 1975* (Aug. 2, 1975) (communiqué issued after the third round of talks on Cyprus held in Vienna from July 31–Aug. 2, 1975), available at [http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0658E5B2F4D1A538C22571D30034D15D/\\$FILE/August%201975.pdf?OpenElement](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/0658E5B2F4D1A538C22571D30034D15D/$FILE/August%201975.pdf?OpenElement).

<sup>11</sup>S.C. Res. 541, U.N. Doc. S/RES/541 (Nov. 18, 1983) and S.C. Res. 550, U.N. Doc. S/RES/541 (May 11, 1984), available at [http://www.un.org/Docs/sc/unsc\\_resolutions.html](http://www.un.org/Docs/sc/unsc_resolutions.html), reprinted in *Resolutions Adopted by the United Nations on the Cyprus Problem* (Press and Information Office, Ministry of Interior, Republic of Cyprus, 1964–1990).

<sup>12</sup>On November 16, 1983, the European Community adopted a statement rejecting the declaration and expressing its deep concerns regarding the establishment of “TRNC” as an independent state. The statement also reaffirmed its support of the sovereignty, independence, and unity of Cyprus. The European Parliament has held hearings on the issue of destruction of cultural property and, inter alia, in 2006 it adopted a Declaration on the Protection and Preservation of the Religious Heritage in the northern part of Cyprus, Eur. Parl. Doc. P6\_TA(2006)0335 (Aug. 30, 2006), available at [http://www.europarl.europa.eu/registre/seance\\_pleniere/textes\\_adoptes/definitif/2006/09-05/0335/P6\\_TA\(2006\)0335\\_EN.pdf](http://www.europarl.europa.eu/registre/seance_pleniere/textes_adoptes/definitif/2006/09-05/0335/P6_TA(2006)0335_EN.pdf). The Parliament's Committee of Education and Culture also endorsed funds from the 2007 budget for a study on the situation of religious sites in northern Cyprus. Alexia Saouli, *European Parliament Backs Funds for Study on Churches in the North*, Museum Security Network Mailing List (Sept. 14, 2006), available at <http://msn-list.te.verweg.com/2006-September/005975.html>.

<sup>13</sup>In 1983, the Committee of Ministers of the Council of Europe issued a Resolution which, inter alia: a) deplored the declaration by the Turkish Cypriot leaders of the “purported independence of the so-called ‘Turkish Republic of Northern Cyprus’”; b) declared the unilateral declaration invalid; and, c) reaffirmed its commitment to the Republic of Cyprus as the only legitimate government. Comm. of Ministers Resolution (83) 13, Nov. 24, 1983, on Cyprus, available at [http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/C1E21396890CA83CC22571D2001E8A47/\\$file/Res%2083.pdf?OpenElement](http://www.mfa.gov.cy/mfa/mfa2006.nsf/All/C1E21396890CA83CC22571D2001E8A47/$file/Res%2083.pdf?OpenElement).

<sup>14</sup>The Commonwealth Heads of Government, in a meeting convened in New Delhi, India, November 23–29, 1983, condemned the declaration of the “TRNC” “to create a secessionist state in northern Cyprus, in the area under foreign occupation.” A press communiqué was issued stating, inter alia, as follows: “[The] Heads of Government condemned the declaration by the Turkish Cypriot authorities issued on 15 November 1983 to create a secessionist state in northern Cyprus, in the area under foreign occupation. Fully endorsing Security Council Resolution 541, they denounced the declaration as legally invalid and reiterated the call for its non-recognition and immediate withdrawal. They further called upon all States not to facilitate or in any way assist the illegal secessionist entity. They regarded this illegal act as a challenge to the international community and demanded the implementation of

the relevant UN Resolutions on Cyprus." Quoted in *Loizidou v. Turkey* (Merits), Eur. Ct. Hum. H.R., VI Dec. & Rep. (1996), available at <http://cmiskp.echr.coe.int/tkpl97/viewhbkkm.asp?sessionId=9256208&skin=hudoc-en&action=html&table=F69A27FD8FB86142BF01C1166DEA398649&key=588&highlight=>.

<sup>15</sup>For a review of several cases involving courts in the United States and the United Kingdom, the European Court of Justice, and the European Court of Human Rights, see *Chrysostomides*, supra note 1, at 280-315.

<sup>16</sup>See Press Release, Cyprus Government, Press and Information Office, EU Accession Treaty—Protocols on Cyprus, available at <http://www.cyprus.gov.cy/moi/PIO/PIO.nsf/All/DA5EA02B13392A77C2256DC2002B662A?OpenDocument> (last visited Mar. 9, 2009).

Mr. SMITH of New Jersey. Madam Speaker, I yield myself such time as I may consume.

I rise in strong support of H. Res. 1631, calling for the protection of religious sites and artifacts from and in Turkish-occupied areas of northern Cyprus and calling on the Turkish Government to respect the religious freedom of all the people living in the territory it occupies. I thank my very good friend Mr. BLIRAKIS for introducing this outstanding resolution and for his faithfulness and effectiveness in exposing human rights violations in Cyprus.

Madam Speaker, this resolution reminds us of the ongoing barbarism of the Turkish Government's military occupation of the northern part of the Republic of Cyprus, a sovereign State. The Turkish Government frequently prevents Greek Cypriots from holding divine liturgy, and it has pillaged their sacred churches and holy sites. The Turkish Government currently uses no less than 28 Orthodox churches as army barracks, has converted 80 churches into mosques, and permits others to be used as nightclubs, sheep stalls, and dancing schools. Under Turkish occupation, 500 churches, monasteries, cemeteries, and other religious sites have been desecrated, destroyed, or looted.

Madam Speaker, this resolution performs a great service in documenting in painstaking detail the trade in sacred objects looted from these churches, which is extensive, international, and totally illicit. It also points out the legal obligation of the Turkish Government to prevent this trade, to restore looted objects as well as churches, and to respect the human rights of those who live under its occupation.

Madam Speaker, I am profoundly disappointed that over the years, including since the passage of the International Religious Freedom Act, that our government has far too often failed to speak out and to speak out vigorously in defense of the religious freedom of Orthodox Christians. This is really shameful. The Turkish Government's persecution of Orthodoxy, whether in Cyprus or Istanbul, the home of the Ecumenical Patriarchate, in Syriac Orthodox monasteries, or of the Armenian Orthodoxy, seems to aim

at extinguishing Christian Orthodoxy within its borders.

As the Secretary General's report on the United Nations operations in Cyprus stated as far back as 1996, the restrictions on basic freedoms of Christians in Turkish-occupied areas of Cyprus have the effect "of ensuring that with the passage of time, the communities (that is, Greek Cypriots and Maronites) would cease to exist." So I am glad that this resolution specifically urges the President, the Secretary of State, and the State Department Office of International Religious Freedom to report and take vigorous action on the traffic of Cypriot Orthodox heritage. The executive branch should take this seriously. Hopefully with the backing of the Congress, they will.

Mr. BURTON of Indiana. Madam Speaker, I rise today to express my serious concerns with H. Res. 1631. I think many of my colleagues know that I have been a vocal supporter of religious freedom and human rights around the world for many years. But, I believe the resolution before us is less about promoting religious freedom and religious tolerance than it is about poking a stick in the eye of Turkish Cypriots; who are currently working together with their Greek Cypriot neighbors to strike a comprehensive peace deal for that troubled island.

Time and time again, I have come to the floor to ask my colleagues to review the facts and stop oversimplifying this issue. Revisionist history attempts to lay all the blame for the ills of Cyprus at the doorstep of Turkish Cypriots and Turkey. H. Res. 1631 seems to repeat this pattern. I urge my colleagues to step back and ask themselves whether this resolution will truly advance the reconciliation process or merely add fuel to the fire. If we do that, the answer is obvious, H. Res. 1631 is an unnecessary and inappropriate assertion of opinion that does nothing to bring peace to a divided land.

In fact, those on both sides of the issue are already working together to come to a resolution. On March 21, 2008 the Greek Cypriot leader Mr. Christofias and the Turkish Cypriot leader Mr. Talat forged an agreement that paved the way for the establishment of the Technical Committee on Cultural Heritage. This committee has already set in order plans to protect, preserve and restore the rich cultural heritage of Cyprus and by all accounts have made great strides to date towards achieving these goals. According to a recent press statement, the Cultural Committee has expressed a commitment to "compile the entire list of immovable cultural heritage of Cyprus [and] to create an educational interactive program that would give the opportunity to younger generation of Greek Cypriots and Turkish Cypriots to learn about each other and the cultural heritage of the island."

The effort is an open and honest dialogue between Greek and Turkish Cypriots regarding the preservation of their shared history. I believe, if left alone, this cooperation could well serve to open dialogue in other areas.

Rather than restating the tired talking points of yesterday which only serve to place blame for past offenses, as appears to be the case with H. Res. 1631, I would urge my colleagues to applaud and support these efforts.

Too often, the international community and many well-meaning members of this body fail to recognize the two sides of this issue. For example, the Turkish Cypriots have expressed concern over destruction and neglect of Turkish-Muslim monuments of importance in the South of Cyprus while at the same time committing to protect the heritage of the Greek Cypriots. In a letter to Mr. HASTINGS, the Turkish Cypriots expressed that "The Turkish side believes that the cultural heritage of a people is its most important asset, its identity and a sense of community through time. With this understanding, we regard all the cultural heritage in North Cyprus, regardless of its origin, as part of the common heritage of both the Turkish Cypriot people and of humanity."

Thankfully, and as I've already stated, the Committee on Cultural Heritage has agreed to work to establish a mechanism that does just this. But why if H. Res. 1631, is the fair and balanced resolution its supporters claim it to be, is it silent in terms of commending all efforts to preserve the cultural heritage of both sides.

Madam Speaker, if we can redirect our misspent energies towards the real work of reshaping Cyprus into a Cyprus that respects human rights and the fundamental freedoms for all Cypriots; by bolstering the efforts of the Greek Cypriots and the Turkish Cypriots to work together in good faith for the future of all Cypriots; then the future will be bright for Cyprus.

However, if we as the United States Congress continue only to echo the shrill cries of the "blame Turkey" groups here in the United States, we will only help further delay the day that peace comes to Cyprus. I urge my colleagues to reject H. Res. 1632.

Mr. SMITH of New Jersey. I yield back the balance of my time.

Mr. TANNER. Madam Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Ms. EDWARDS of Maryland). The question is on the motion offered by the gentleman from Tennessee (Mr. TANNER) that the House suspend the rules and agree to the resolution, H. Res. 1631.

The question was taken; and (two-thirds being in the affirmative) the rules were suspended and the resolution was agreed to.

A motion to reconsider was laid on the table.

#### SUPPORTING IMPLEMENTATION OF PEACE AGREEMENT IN SUDAN

Mr. TANNER. Madam Speaker, I move to suspend the rules and agree to the resolution (H. Res. 1588) expressing the sense of the House of Representatives on the importance of the full implementation of the Comprehensive Peace Agreement to help ensure peace and stability in Sudan during and after mandated referenda, as amended.

The Clerk read the title of the resolution.

The text of the resolution is as follows:

H. RES. 1588

Whereas Sudan stands at a crossroads, in the final phase of what could be a historic transition from civil war to peace, and Sudan's full implementation of the Comprehensive Peace Agreement (CPA) in this next