

MEMORANDUM

OWNERSHIP STATUS OF HOTELS AND OTHER ACCOMODATION FACILITIES IN THE OCCUPIED PART OF THE REPUBLIC OF CYPRUS

The Ministry of Foreign Affairs of the Republic of Cyprus hereby publishes a list¹ of hotels situated in the Turkish occupied part of Cyprus. The majority of these hotels belong to Greek Cypriot displaced persons who were forced to leave their properties following the Turkish invasion of 1974 or have been built illegally on properties belonging to displaced Greek Cypriots, in violation of the latter's property rights and without their consent.

A number of hotels belong to Turkish Cypriots or have been built on land belonging to Turkish Cypriots.

The European Court of Human Rights, in its Judgment of 18 December 1996, on the individual application of the Greek Cypriot displaced owner Mrs. Titina Loizidou, against Turkey, and in the *Fourth Interstate Application of Cyprus against Turkey* of 10 May 2001, upheld the rights of the refugees to their properties. In the *Loizidou case*, the Court ordered the Government of Turkey to compensate the applicant for the time period of deprivation of use of her property and to provide full access and allow peaceful enjoyment of her property in Kyrenia. The right of the displaced owners to their properties was reconfirmed in the most recent decision of the European Court of Human Rights (Dec. 2005) regarding the application of *Myra Xenides- Arestis v. Turkey*.

It should also be reminded that, according to the United Nations Principles on Housing and Property Restitution for Refugees and Displaced Persons (the Pinheiro principles) "all refugees and displaced persons have the right to have restored to them any housing, land or property of which they were arbitrarily or unlawfully deprived..".

Under Cyprus Law, Greek Cypriot property owners may bring legal actions before the competent Courts of the Republic against trespassers to their properties in the Turkish-occupied area, claiming damages and other legal remedies available to them under civil law. Judgments issued in favour of lawful property owners shall be recognized and enforced against property/assets of the defendants/judgment debtors in any EU member State, under the provisions of EC Regulation No.44/2001.

In the case of *Meletis Apostolides v. Orams*, the Court of Appeal of England and Wales has very recently examined the Appeal lodged by Mr. Apostolides against the High Court judgment issued on 6.9.2006, which held that a judgment of the District Court of Nicosia in favour of Mr. Apostolides regarding immovable property owned by him in the area of Lapithos, illegally held by Mr. and Mrs. Orams, could not be enforced in England under Regulation No.44/2001. The Court of Appeal, at the outset of the hearing proceedings, rejected the argument submitted on behalf of the Orams that the interpretation of the crucial EU Law provisions is so clear that the Court of Appeal should dismiss the appeal without referring any questions to the European Court of Justice. The Court of Appeal (the Lord Chief Justice presiding) held that the resolution of the predominant issues in the case depended upon the interpretation of EU law and that such interpretation, being far

¹ Includes only hotels and other accommodation facilities on which information regarding property ownership is available.

from clear, should ultimately rest with the European Court of Justice, upon a reference for a preliminary ruling under Articles 68 and 234 of the EC Treaty. Pending adjudication by the European Court on the questions referred to it by the Court of Appeal, it is abundantly clear that the judgment of the High Court dated 6.9.2006 is of no legal effect, as it has been cast with serious doubts as to the merits thereof, such doubts having been clearly expressed by the Court of Appeal in deciding on the reference of the critical issues.

It is also important to note that, under Cyprus's Criminal Code, Cap.154, any person who, with intent to defraud, deals in immovable property belonging to another is guilty of a felony ("fraudulent dealings in immovable property belonging to another") and is liable to imprisonment for up to seven years. Under the Law a person is deemed to be dealing in immovable property where he/she (a) sells to another, or rents to another, or mortgages to another or encumbers in any way, or makes available for use by another immovable property, or (b) advertises or otherwise promotes the sale or renting out or mortgaging or charging in any way to another of immovable property or the use thereof by another, or (c) concludes an agreement for the sale to another, or the renting out to another, or the mortgaging to another, or the charging in any way to the benefit of another, or the use by another of immovable property, or (d) accepts the immovable property which is the object of the dealing. Depending on the situation, it is also possible that European Arrest Warrants be issued against persons who may be prosecuted for the aforesaid criminal offence in the Republic.

In the light of the above and bearing particularly in mind that the right to peaceful enjoyment of one's property is an inalienable individual human right protected under the Constitution of the Republic and the European Convention on Human Rights, Greek Cypriot property owners are entitled to legal protection against any form or unlawful interference with such rights. Persons responsible for such interference run a serious risk of facing legal proceedings, either in the form of civil action or criminal prosecution, with grave consequences, as already explained above.

The Ministry of Foreign Affairs of the Republic of Cyprus conveys a strong warning message to foreign citizens who wish to travel to the occupied part of Cyprus, that staying in the listed Greek Cypriot owned hotels or in hotels which have been built on Greek Cypriot property without the consent of the owners, is illegal and contributes and/or assists in the illegal exploitation/usurpation of Greek Cypriot properties contrary to domestic and/or International Law. Such foreign citizens are, therefore, advised to seek accommodation in hotels and other establishments lawfully owned by Turkish Cypriots.

5 July 2007

A/A	CURRENT NAME ¹	NAME BEFORE 1974 ²	LOCATION ³	CLASS	BED NUMBER	PROPERTY OR BUILDING OWNERSHIP STATUS
	KYRENIA DISTRICT:					
1	ACAPULCO HOLIDAY VILLAGE		KYRENIA	5*	930	G/C
2	ALTINKAYA & ARMONIA H.C.		KYRENIA	2*	138	G/C
3	AMBELIA VILLAGE	AMBELIA VILLAGE	BELLAPAIS	2*	144	G/C
4	ATLANTIS HOTEL	ATLANTIS HOTEL	KERYNIA	1*	31	G/C
5	BELLAPAIS MONASTERY VILLAGE		BELAPAIS	3*	130	G/C
6	BRISTOL HOTEL	BRISTOL HOTEL	KERYNIA	2*	36	G/C
7	BRITISH HOTEL	EL GRECO HOTEL	KERYNIA	1*	36	G/C
8	CELEBRITY HOTEL	CELEBRITY HOTEL	LAPITHOS	4*	180	T/C
9	CHATEAU LAMBOUSA		LAPITHOS	5*	108	T/C
10	CLUB ALDA		KYRENIA	1*	28	T/C
11	CLUB LAPETHOS		LAPITHOS	3*	230	G/C
12	CLUB SIMENA HOTEL		VASILEIIA	3*	84	T/C
13	CLUB Z		KYRENIA	3*	156	G/C
14	COLONNADE CLUB HOTEL		KYRENIA	2*	20	G/C
15	COUER DE LION HOTEL	LIMAN HOTEL	KERYNIA	3*	32	G/C
16	DENIZKIZI HOTEL	MAIRMAID HOTEL	KARAVAS	3*	114	G/C
17	DENIZKIZI ROYAL HOTEL		KARAVAS	4*	108	G/C
18	DOME HOTEL	KATSELLIS DOME HOTEL	KERYNIA	4*	320	G/C
19	DORANA HOTEL	DORANA HOTEL	KERYNIA	2*	66	G/C

20	ERGENEKON HOTEL		KYRENIA	1*	20	G/C
21	GRAND AVRASYA HOTEL		KERYNIA	3*	107	G/C
22	GRAND ROCK HOTEL	HESPERIDES HOTEL	KERYNIA	4*	110	G/C
23	HARBOUR SCENE HOTEL		KYRENIA	1*	30	G/C
24	HOTEL SEMPATI		LAPITHOS	3*	68	G/C
25	KAAN HOTEL		KYRENIA	2*	70	G/C
26	KAŞGAR COURT HOTEL		KYRENIA	2*	30	G/C
27	KEMBA SET		KYRENIA			G/C
28	KORINEUM COLF COUNTRY CLUB		AGIOS AMVROSIOS			G/C
29	KYRENIA JASMINE COURT HOTEL	JASMINE COURT	KERYNIA	5*	392	G/C
30	L.A. HOLIDAY CENTER		LAPITHOS	4*	224	T/C
31	L.A. HOTEL & RESORT		LAPITHOS	4*	224	T/C
32	LIFE HOTEL APT.		KYRENIA	1*	46	G/C
33	LIGHTHOUSE HOTEL		KYRENIA	1*	40	G/C
34	MANOLYA HOTEL		LAPITHOS	2*	96	T/C
35	MARE MONTE	MARE MONTE HOTEL	KARAVAS	3*	188	G/C
36	MERCURE HOTEL		AGIOS GEORGIOS	5*	606	G/C
37	MERIT CRYSTAL COVE HOTEL	ZEPHYROS HOTEL	KARAVAS	5*	444	G/C
38	MOUNTAIN VIEW		AGIOS GEORGIOS	3*	82	G/C
39	MUFTUZADE HOTEL APT.		KYRENIA	1*	46	G/C
40	NOSTALGIA HOTEL		KYRENIA	1*	52	G/C

41	ONAR HOLIDAY VILLAGE		KERYNIA	3*	76	G/C
42	OSCAR RESORT		KERYNIA	4*	472	G/C
43	OSCAR VOUNI		LEFKA	1*	400	G/C
44	OSMAN'S HOTEL APTS.		KYRENIA	1*	68	G/C
45	PIA BELLA HOTEL		KYRENIA	3*	117	G/C
46	PITORESK HOLIDAY VILLAGE		DIORIOS		117	G/C
57	PORT BARBARROS		GIALOUSA			G/C
58	PORT CYPRIUM MARINA		AGIOS AMVROSIOS			G/C
47	RESORT DEDEMAN OLIVE TREE		AGIOS EPIKTITOS	4*	250	T/C
48	RIVERSIDE HOLIDAY VILLAGE		KARAVAS	4*	266	G/C
49	SAMMY'S HOTEL		KYRENIA	2*	44	G/C
50	SIDELIA HOTEL		KYRENIA	1*	24	G/C
51	SOCRATES HOTEL	SOCRATES HOTEL	KERYNIA	2*	36	G/C
52	THE COLONY		KERYNIA	5*	200	G/C
53	THE SHIP INN HOTEL		KERYNIA	3*	146	G/C
54	TOP SET HOTEL & BUNGALOWS		AGIOS GEORGIOS	3*	120	G/C
59	TURTLE BAY HEIGHTS - HAWTHORN HOTELS		AGIOS AMVROSIOS			G/C
55	TURTLE BAY VILLAGE - HAWTHORN HOTELS		AGIOS AMVROSIOS		1000	G/C
56	YENI ANADOL HOTEL		KYRENIA	1*	66	G/C

A/A	CURRENT NAME	NAME BEFORE 1974	LOCATION	CLASS	BED NUMBER	PROPERTY OR BUILDING OWNERSHIP STATUS
	FAMAGUSTA DISTRICT:					
1	ALTUN TABYA OTEL		FAMAGUSTA	1*	32	T/C
2	BILFER PALM BEACH HOTEL	CONSTANTIA HOTEL	FAMAGUSTA	5*	216	G/C
3	BOGAZ HOTEL	BOCAZ HOTEL	TRIKOMO	3*	86	G/C
4	COLOSSEUM RESORT		VOKOLIDA	5*	1,200	STATE FOREST LAND - REPUBLIC OF CYPRUS
5	ELIZEL MOTEL					G/C
6	KAYA ARTEMIS HOLIDAY RESORT		VOKOLIDA	5*	2,500	STATE LAND - REPUBLIC OF CYPRUS
7	LONG BEACH CLUB & RESORT		FAMAGUSTA	5*	103	G/C
8	MALIBU BEACH HOTEL		GIALOUSA			G/C
9	MIMOZA HOTEL	MIMOZA HOTEL	FAMAGUSTA	3*	102	G/C
10	OASIS AYFILON		RIZOKARPASO			G/C
11	PANORAMA HOTEL	PANORAMA HOTEL	FAMAGUSTA	1*	20	G/C
12	PARK HOTEL	EVAGORAS COURT	SALAMINA	3*	93	G/C
13	PORTOFINO HOTEL		FAMAGUSTA	3*	104	G/C

14	SALAMIS BAY CONTI RESORT HOTEL	SALAMIS BAY HOTEL	FAMAGUSTA	5*	960	75% BRITISH, 25% G/C
15	THE DEE EUROPEAN HOTEL		FAMAGUSTA	2*	80	G/C
16	THERESA HOTEL		TRIKOMO	1*	36	G/C
17	VENUS BEACH RESIDENCES & HOTEL		AGIOS SERGIOS		270	G/C
18	KOCAREIS HOLIDAY RESORT		SALAMINA		60	G/C & STATE LAND
19	SWEET WATER BAY		AKANTHOU			G/C
20	SEA TERRA MARINA		AKANTHOU			G/C
21	SEA TERRA BAY		AKANTHOU			G/C
22	SOUTHERN GARDENS		AKANTHOU			G/C
23	LEVENT HOMES		AKANTHOU			G/C
24	ORANGERY HOMES		AKANTHOU			G/C
25	TRANSO PROPERTY		PATRIKI			G/C

A/A	CURRENT NAME	NAME BEFORE 1974	LOCATION	CLASS	BED NUMBER	PROPERTY OR BUILDING OWNERSHIP STATUS
	NICOSIA DISTRICT:					
1	CITY ROYAL HOTEL		NICOSIA	3*	160	T/C
2	GERMANIA TREUHAND H.		NICOSIA	3*		T/C
3	SARAY HOTEL	SARAY HOTEL	NICOSIA	3*	144	T/C

¹ “CURRENT NAME” is the name under which a hotel is running today.

² “NAME BEFORE 1974” applies to those hotels already running before the 1974 Turkish invasion. In some cases, the current illegal occupiers of these hotels have given them new names.

³ Unless indicated, LOCATION, CLASS and BED NUMBER are not known.