

## 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 list<sup>1</sup> 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 from Kyrenia, 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 decision of the European Court of Human Rights (Dec. 2005) regarding the application of *Myra Xenides- Arestis v. Turkey*, and has since been repeatedly reconfirmed in a multitude of cases brought by Greek Cypriot owners of property in the occupied part of Cyprus against 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*, regarding immovable property owned by Mr. Apostolides in the area of Lapithos, illegally held by Mr. and Mrs. Orams, the Nicosia District Court found the Defendants liable for trespass in the property of the Plaintiff, ordering them to demolish the villa and other buildings erected on the property, surrender vacant possession to the Plaintiff and pay damages. On 6 September 2006 a Judge of the Queen's Bench Division of the High Court of Justice in the UK issued his judgment on the Orams' appeal against registration and enforcement in Britain of the Cyprus judgment in favour of Mr. Apostolides.

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

Mr. Apostolides filed an appeal against the first instance judgment and, in order to clarify the multiple issues of European Community Law raised in the case, the Court of Appeal referred to the European Court of Justice [ECJ] a number of questions for a preliminary ruling. On 29 April 2009, the European Court of Justice [Grand Chamber] issued its judgment on the preliminary reference, upholding the positions of Mr. Apostolides and the Republic of Cyprus, which, as a Member State of the European Union, intervened as of right before the Court.

Following the judgment of the Court of Justice of the European Union, the court of Appeal, on 19 January 2010, issued its final judgment on the case. The Court emphasized the obligation to respect the sovereignty, independence and territorial integrity of the Republic of Cyprus, and affirmed the exclusive jurisdiction of Cypriot courts, even in cases concerning property rights of land situated in the occupied areas of the Republic of Cyprus. At the same time, the Court held that, despite international support for the efforts to find a solution to the Cyprus problem, there was no ground for non-recognition and implementation of a lawfully-made judgment of a Court in a lawfully constituted State, which is a Member of the European Union. In that respect, the Court even argued that a refusal to recognize such a judgment by the Cypriot court would inflame the situation. At the same time, the Court stressed that UN Security Council resolutions, while urging negotiations and a settlement of the Cyprus problem, have consistently required respect for the territorial integrity of the Republic of Cyprus under a single sovereignty, which clearly encompasses respect of the courts as the judicial arm of a sovereign state.

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 of 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.

CURRENT NAME <sup>1</sup>	NAME BEFORE 1974 <sup>2</sup>	LOCATION <sup>3</sup>	CLASS <sup>3</sup>	CAPACITY <sup>3</sup>	OWNERSHIP STATUS <sup>4</sup>
<b>KYRENIA DISTRICT</b>					
ACAPULCO BEACH CLUB & RESORT HOTEL		KYRENIA	5*	470	G/C
ADA BOUTIQUE HOTEL		KARAVAS			G/C
ALI BEY HOLIDAY VILLAGE		AGIOS EPIKITITOS			G/C
ALMOND HOLIDAY VILLAGE		KARAVAS			G/C
ALTINKAYA HOLIDAY RESORT		KYRENIA	3*	138	G/C
AMBELIA VILLAGE	AMBELIA VILLAGE	BELLAPAIS	2*	144	G/C
ATLANTIS HOTEL	ATLANTIS HOTEL	KERYNIA	1*	31	G/C
BALCI PLAZA HOTEL		GIALOUSA			G/C
BARE HILL HOLIDAY VILLAGE		KARAVAS		56	G/C
BELLAPAIS GARDENS HOTEL		BELAPAIS		34	G/C
BELLAPAIS MONASTERY VILLAGE		BELAPAIS	3*	130	G/C
BELLA VIEW HOTEL		KAZAFANI			G/C
BERENGARIA VILLA		KARMI			G/C
BRISTOL HOTEL	BRISTOL HOTEL	KERYNIA	2*	36	G/C
BRITISH HOTEL	EL GRECO HOTEL	KERYNIA	1*	36	G/C
BUMERANG HOTEL		KAZAFANI			G/C
BÜYÜK ANADOLU GIRNE HOTEL	GRAND AVRASIA HOTEL	KAZAFANI	4*	70	G/C
CELEBRITY HOTEL	CELEBRITY HOTEL	LAPITHOS	3*	180	T/C
CHATEAU LAMBOUSA		LAPITHOS	3*	108	T/C
CHELSEY VILLAGE APPARTMENTS		KLEPINI			G/C
CITRUS TREE GARDENS BUNGALOWS		KARAVAS			G/C
CLUB ALDA		LAPITHOS	1*	28	T/C
CLUB ASENA HOLIDAY HOME		LAPITHOS			T/C
CLUB GUZELYALI HOTEL		VASILIA	2*		G/C
CLUB HOTEL / SEUS CASINO		KERYNIA			G/C
CLUB LAPETHOS RESORT		LAPITHOS	3*	230	G/C
CLUB MALIBU HOTEL		GIALOUSA	2*		G/C
CLUB SIMENA HOTEL		VASILEIA	3*	104	T/C
CLUB TROPICANA HOLIDAY VILLAGE		KAZAFANI - KERYNIA			G/C
CLUB Z		KYRENIA	3*	156	G/C
COLONNADE CLUB HOTEL		KYRENIA	2*	20	G/C
CRATOS PREMIUM HOTEL & CASINO		KAZAFANI	5*		CHURCH OF CYPRUS
DENIZKIZI HOTEL	MAIRMAID HOTEL	KARAVAS	3*	114	G/C
DENIZKIZI ROYAL HOTEL		KARAVAS	4*	108	G/C
DOME HOTEL	KATSELLIS DOME HOTEL	KERYNIA	4*	320	G/C
DORANA HOTEL	DORANA HOTEL	KERYNIA	3*	66	G/C
ELIZEL MOTEL		KERYNIA			G/C
ERGENEKON HOTEL		KYRENIA	1*	20	G/C

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ESENTEPE SEAFRONT		AGIOS AMVROSIOS			G/C
ESPRI APPARTMENTS		ELIA	2*		G/C
FIVE FINGERS BUNGALOWS		KAZAFANI			T/C
FLIPPERS HOLIDAY VILLAGE		LAPITHOS			G/C
GRAND AVRASYA HOTEL		KERYNIA	3*	107	G/C
GRAND ROCK HOTEL	HESPERIDES HOTEL	KERYNIA	4*	110	G/C
GREEN HOLIDAY VILLAGE		AGIOS GEORGIOS		108	G/C
GREEN KARMI HOLIDAY VILLAGE		KARMI	3*		CHURCH OF CYPRUS
HARBOUR LODGE		KERYNIA			G/C
HARBOUR SCENE HOTEL		KYRENIA	1*	30	G/C
HIGH LIFE HOLIDAY VILLAGE		KAZAFANI			G/C
HILARION VILLAGE		KARMI			G/C
HOTEL SEMPATI		LAPITHOS	3*	70	G/C
IREM TOURIST COMPLEX		AGIOS EPIKITIOS			G/C
KAAN HOTEL		KYRENIA	2*	70	G/C
KAPLICA BEACH RESTAURANT & HOTEL		DAVLOS			G/C
KAŞGAR COURT HOTEL		KYRENIA	2*	68	G/C
KEMBA SET		KYRENIA			G/C
KINGS COURT HOTEL		ELIA			G/C
KORINEUM COLF COUNTRY CLUB		AGIOS AMVROSIOS			G/C
KYRENIA JASMINE COURT HOTEL	JASMINE COURT	KERYNIA	5*	392	G/C
L.A. HOLIDAY CENTER (advertised as L.A. HOTEL&RESORT)		LAPITHOS	4*	224	T/C
L.A. HOTEL & RESORT / MAGIC ISLAND CASINO		KERYNIA			G/C
L.A. SIESTA HOLIDAY RESORT		LAPITHOS			G/C
LAPIDA HOTEL		LAPITHOS			G/C
LIFE HOTEL APT.		KYRENIA	1*	46	G/C
LIGHTHOUSE HOTEL		KYRENIA	1*	40	G/C
LIMAN HOTEL	COEUR DE LION HOTEL	KERYNIA	3*	32	G/C
MALPAS HOTEL & CASINO		AGIOS EPIKITIOS	5*	177	G/C
MANOLYA HOTEL		LAPITHOS	2*	96	T/C
MARE MONTE	MARE MONTE HOTEL	KARAVAS	3*	188	G/C
MERCURE HOTEL		AGIOS GEORGIOS	5*	606	G/C
MERIT AFRODIT HOTEL		KARAVAS			G/C
MERIT CRYSTAL COVE HOTEL	ZEPHYROS HOTEL	KARAVAS	5*	286	G/C
MOON ROSE HOLIDAY VILLAGE		LAPITHOS			G/C
MOSQUITO HOTEL & BEACH CLUB		KARAVAS			G/C
MOUNTAIN VIEW HOTEL		AGIOS GEORGIOS	3*	82	G/C
MUFTUZADE HOTEL APT.		KYRENIA	1*	46	G/C
NOSHEEN HOTEL		KARAVAS	1*		G/C

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NOSTALGIA HOTEL		KYRENIA	1*	52	G/C
OLYMPUS VILLAS		VASILIA			G/C
ONAR HOLIDAY VILLAGE		KERYNIA	3*	76	G/C
ORCHARD COURT		LAPITHOS			G/C
OSCAR RESORT		KERYNIA	4*	472	G/C
OSMAN'S HOTEL APTS.		KYRENIA	1*	68	G/C
PARADISSIA COURT		AGIOS GEORGIOS			G/C
PIA BELLA HOTEL		KYRENIA	4*	117	G/C
PITORESK HOLIDAY VILLAGE		DIORIOS		117	G/C
PORT CYPRIUM MARINA		AGIOS AMVROSIOS			G/C
PRIMARY HOLIDAY VILLAGE BUNGALOWS		KARAVAS			G/C
RESORT DEDEMAN OLIVE TREE		AGIOS EPIKTITOS	4*	250	T/C
RIVERSIDE HOLIDAY VILLAGE		KARAVAS	4*	266	G/C
RIVIERA BEACH BUNGALOWS		AGIOS GEORGIOS			G/C
ROCKS HOTEL & CASINO		KYRENIA	5*		G/C
ROSE GARDENS HOLIDAY VILLAGE BUNGALOWS		LAPITHOS			G/C
SAMMY'S HOTEL		KYRENIA	2*	44	G/C
SAVOY OTTOMAN PALACE HOTEL & CASINO		KERYNIA	4*		G/C
SAVYON VILLAGE		AGIOS EPIKTITOS			G/C
SEA BREEZE HOTEL		AGIOS GEORGIOS	1*		STATE LAND
SEA TERRA BAY RESORT		AGIOS AMVROSIOS			STATE LAND & G/C & CHURCH OF CYPRUS
SERIF HOTEL & SONCINO CASINO		AGIOS GEORGIOS			G/C
SIDELIA HOTEL		KYRENIA	1*	24	G/C
SILVER WAVES HOTEL & APTS		AGIOS GEORGIOS			G/C
SKYLINE SUNSET		LAPITHOS			G/C & T/C
SOCRATES HOTEL	SOCRATES HOTEL	KERYNIA	2*	36	G/C
SUNNY BEACH BUNGALOWS HOLIDAY VILLAGE		LAPITHOS			G/C
SUNSET BEACH CLUB		LAPITHOS			G/C & T/C
TERVETULOA HOTEL		KARAVAS			G/C
THE ABBEY INN		BELLABAIS	1*		G/C
THE COLONY		KERYNIA	5*	200	G/C
THE HIDEAWAY CLUB		KERYNIA	4*	62	G/C
THE PRINCE INN HOTEL & VILLAS		KERYNIA	3*	14	G/C
THE SHIP INN HOTEL		KERYNIA	3*	146	G/C
THE VILLA CLUB BUNGALOWS		ELIA	2*		G/C
TOP SET HOTEL & BUNGALOWS		AGIOS GEORGIOS	3*	120	G/C
TURTLE BAY VILLAGE	AGIOS AMVROSIOS	AGIOS AMVROSIOS			G/C & STATE LAND
VASILIA VIEW					G/C
VUNI PALACE HOTEL		KYRENIA	5*		G/C

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WATERMILL HOTEL		KYRENIA	2*		G/C
WHITE PEARL HOTEL		KYRENIA	1*		G/C
YENI ANADOL HOTEL		KYRENIA	1*	66	G/C

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<b>FAMAGUSTA DISTRICT</b>					
ALTUN TABYA HOTEL		FAMAGUSTA	1*	32	T/C
BILFER PALM BEACH HOTEL	CONSTANTIA HOTEL	FAMAGUSTA	5*	216	G/C
BOGAZ HOTEL	BOCAZ HOTEL	TRIKOMO	3*	86	G/C
BLUE COVE VILLAS		GIALOUSA			G/C
CEASAR RESORT		TRIKOMO			G/C
COLOSSEUM RESORT		VOKOLIDA	5*	1,200	STATE FOREST LAND REPUBLIC OF CYPRUS
CRYSTAL ROCKS HOTEL		AGIOS SERGIOS			G/C & STATE LAND – REPUBLIC OF CYPRUS
CYPRUS PEARL		GIALOUSA			G/C & STATE LAND – REPUBLIC OF CYPRUS
IMPERIAL PARK		VOKOLIDA			G/C
KARPAZ ARCH HOUSES		RIZOKARPASO			G/C
KARPAZ BAY RESORT		GIALOUSA			G/C
KAYA ARTEMIS HOLIDAY RESORT		VOKOLIDA	5*	2,500	STATE LAND – REPUBLIC OF CYPRUS
KOCAREIS Holiday Resort		SALAMINA		60	G/C & STATE LAND -
LEVENT HOMES		AKANTHOU			G/C
LIVANA HOTEL & BUNGALOWS		RIZOKARPASO			G/C
LONG BEACH CLUB & RESORT		FAMAGUSTA	5*	103	G/C
LONG BEACH LIFE VILLAS & APPARTMENTS		TRIKOMO			G/C
MAJESTIC BEACH HOTEL		BOGAZI	4*		G/C
MERIT CYPRUS GARDEN HOTEL / MERIT CYPRUS GARDEN CASINO		FAMAGUSTA			G/C
MIMOZA HOTEL	MIMOZA HOTEL	FAMAGUSTA	3*	102	G/C
NOAH'S ARC RESORT		VOKOLIDA			STATE LAND
OASIS AT AY FILON		RIZOKARPASO-AG. TRIADA			G/C & CHURCH OF CYPRUS
PANORAMA HOTEL	PANORAMA HOTEL	FAMAGUSTA	1*	20	G/C
PARK HOTEL	EVAGORAS COURT	SALAMINA	3*	93	G/C
PINE BAY RESORT		VOKOLIDA			G/C
PORTOFINO HOTEL		FAMAGUSTA	3*	104	G/C
RESORT & CASTERIA		BOGAZI			STATE LAND REPUBLIC OF CYPRUS
SALAMIS BAY CONTI RESORT HOTEL	SALAMIS BAY HOTEL	FAMAGUSTA	5*	960	75% BRITISH, 25% G/C

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SEA TERRA MARINA & Sea Terra Bay		AKANTHOU			G/C
SEA VIEW MEDVIEW RESORT		BOGAZI			G/C
SKYLINE RESIDENCE HOTEL		AGIOS ELIAS	5*	84	G/C & STATE LAND REPUBLIC OF CYPRUS
SUNRISE BEACH RESORT & CASTERIA MARINA RESORT		BOGAZI			G/C, FOREIGNER & STATE LAND
SWEET WATER BAY		AKANTHOU			G/C
THALASSA Beach Resort		VOKOLIDA			G/C
THE DEE European Hotel		FAMAGUSTA	2*	80	G/C
THERESA HOTEL		TRIKOMO	1*	36	G/C
VENUS BEACH RESIDENCE		AGIOS SERGIOS	4*		STATE FOREST LAND REPUBLIC OF CYPRUS



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<b>NICOSIA DISTRICT</b>					
AFRODITE BEACH FRONT VILLAGE		GAZIVERAN			T/C
CITY ROYAL HOTEL		NICOSIA	4*		T/C
EROZA HOLIDAY VILLAGE		NIKITAS MOPHOU		60	G/C
GERMANIA TREUHAND H.		NICOSIA	3*		T/C
GOLDEN TULIP HOTEL & CASINO		NICOSIA		139	G/C
HOTEL UNDER CONSTRUCTION BY PARAMARIBO TOURISM LTD	SEVERIS FLOOR MILL	NICOSIA	5*	256	G/C
LEFKE GARDENS HOTEL		LEFKA			T/C
MERIT HOTEL & CASINO		NICOSIA	5*	252	T/C
OSCAR VOUNI		LEFKA	1*	400	G/C
SARAY HOTEL	SARAY HOTEL	NICOSIA	3*	120	T/C
THE WEST QUEEN RESORT		KALO KHORIO (KAPOUTI) MORFOU	4*	150	STATE LAND - RoC

<sup>1</sup> "CURRENT NAME" is the name under which a hotel is running today.

<sup>2</sup> "NAME BEFORE 1974" applies to those hotels already running before the 1974 Turkish invasion. In some cases, the current illegal

<sup>3</sup> Unless indicated, LOCATION, CLASS and BED NUMBER are not known.

<sup>4</sup> It refers to the land ownership status.