



Australian Hellenic Council (NSW) Inc

A coordinating body for the Australian Hellenic community

P.O. BOX 433 Earlwood NSW 2206

Position Paper

DFAT ADVISORY RE PURCHASE OF REAL ESTATE IN OCCUPIED CYPRUS

For a number of years, the Australian Department of Foreign Affairs and Trade has had an Advisory regarding the acquisition of real estate in the occupied territories of the Republic of Cyprus. **The Australian Hellenic Council believes that an upgrade of the existing Advisory is warranted, given the recent legal decisions in European courts.**

The Australian Hellenic Council serves as the peak public affairs body of the Australian Hellenic community, seeking to bring together community organisations on a select range of issues of concern to Australian Hellenes countrywide. The ongoing occupation and partition of Cyprus is one such issue of concern.

Following the invasion of Turkish troops in July 1974, the Republic of Cyprus was partitioned into two areas: the Republic of Cyprus, which acceded to the European Union in 2004 (the southern part of the island), and the Turkish-occupied north.

The European Court of Justice recently handed down a judgement regarding the purchase of property by British citizens in the part of Cyprus under Turkish military occupation. **This judgement has direct implications for Australian citizens as well. In Case C-420/07 Meletis Apostolides vs David Charles Orams and Linda Elizabeth Orams, 28 April 2009, the European Court of Justice upheld previous decisions that the Cypriots dispossessed by the Turkish invasion remain the legal owners of the properties in question.**

Cypriot national Mr Apostolides was made a refugee by the Turkish invasion. Some years later, David Charles and Linda Elizabeth Orams purchased Apostolides' land from a third party in order to build a holiday home on it. A Cypriot court in Nicosia court ordered the Orams to vacate the land and to pay various sums. The first judgment, given in default of appearance, was confirmed by another judgment ruling on an appeal brought by the Orams. Mr Apostolides then brought an appeal before the Court of Appeal (England and Wales), seeking the recognition and enforcement of the judgments of the Cypriot courts.

The European Court of Justice found that the suspension of the application of Community law in the areas where the Government of the Republic of Cyprus does not exercise effective control and the fact that the judgment cannot, as a

practical matter, be enforced where the land is situated do not preclude its recognition and enforcement in another Member State.

Since the matter of the systematic and illegal exploitation of the Greek Cypriot properties in the occupied part of the Republic of Cyprus was first raised with then Minister for Foreign Affairs and Trade, the Hon. Alexander Downer, the Australian Department of Foreign Affairs and Trade has had an Advisory regarding the acquisition of real estate in the occupied territories of the Republic of Cyprus.

Given the latest legal developments in the European Union, and their impact on Australian citizens, **the Australian Hellenic Council believes that an upgrade of the existing Advisory is warranted.**