

Legacies of Violence and Overcoming Conflict in Cyprus: The Transitional Justice Landscape

Umut Bozkurt
Christalla Yakinthou

REPORT 2/2012

ICTJ | 10 years

 **PRIO**
Cyprus Centre

About the authors

Umut Bozkurt co-managed the International Center for Transitional Justice's Cyprus program. Currently she works as a lecturer at the Department of International Relations, Eastern Mediterranean University, Cyprus. She completed her PhD in Politics at the University of York, UK. Her research interests are the modern politics of Turkey and Cyprus, state theory, and critical political economy. Her co-edited book titled *Beyond a Divided Cyprus: A State and Society in Transformation* (Palgrave Macmillan) is forthcoming in 2012. She is on the steering committees of the bi-communal scholars' initiative Cyprus Academic Dialogue and the bi-communal Critical Social Research Institute.

Christalla Yakinthou co-managed the International Center for Transitional Justice's Cyprus program. She currently works with ICTJ's Middle East and North Africa program. She is co-founder of the Bluestocking Institute for Global Peace and Justice, and a senior honorary research fellow at the University of Western Australia. She holds a PhD in Political Science and International Relations, and a Masters-equivalent diploma in European Public Law from the National and Kapodistrian University of Athens. She has taught and researched in Australia and Cyprus, and has consulted for a number of government and non-government organisations. Her areas of research interest include transitional justice and conflict transformation, the protection of human rights in Europe, political design for conflict societies, power-sharing, and the role of ethnic conflict and historical memory in political architecture. She is the author of *Constitutional Design for Divided Societies: Consociationalism and Cyprus* (Palgrave Macmillan 2009), and the editor of *Conflict Management in Divided Societies: Theories and Practice* (Routledge 2011, with Stefan Wolff).

LEGACIES OF VIOLENCE AND OVERCOMING CONFLICT IN CYPRUS

THE TRANSITIONAL JUSTICE LANDSCAPE

Umut Bozkurt

Christalla Yakinthou

PRIO Cyprus Centre

Report 2/2012

Peace Research Institute Oslo (PRIO)

Hausmanns gate 7
PO Box 9229 Oslo
NO-0134 OSLO, Norway
Tel. +47 22 54 77 00
Fax +47 22 54 77 01
Email: info@prio.no
Web: www.prio.no



PRIO encourages its researchers and research affiliates to publish their work in peer reviewed journals and book series, as well as in PRIO's own Report, Paper and Policy Brief series. In editing these series, we undertake a basic quality control, but PRIO does not as such have any view on political issues. We encourage our researchers actively to take part in public debates and give them full freedom of opinion. The responsibility and honour for the hypotheses, theories, findings and views expressed in our publications thus rests with the authors themselves.

© Peace Research Institute Oslo (PRIO), 2012

All rights reserved. No part of this publication may be reproduced, stored in a retrieval system or utilized in any form or by any means, electronic, mechanical, photocopying, recording, or otherwise, without permission in writing from the copyright holder(s).



The International Center for Transitional Justice works to redress and prevent the most severe violations of human rights by confronting legacies of mass abuse. ICTJ seeks holistic solutions to promote accountability and create just and peaceful societies. For more information visit www.ictj.org.

The ICTJ's Cyprus program was made possible by a grant from the European Union, as well as the support of the Zenstrom Foundation.

The texts compiled in this publication including the terminology used lay in the sole responsibility of the author(s) and/or the International Center for Transitional Justice as one of the beneficiaries of the EU funded project 'Truth-Seeking and Trust-Building in Cyprus'. In no way can the content of this publication be attributed to the European Commission. The EU does not recognise the "Turkish Republic of Northern Cyprus" but only the Republic of Cyprus, its Member State.

ISBN 978-82-7288-452-8

Photograph on cover: Christalla Yakinthou

Production and Cover design: Action Global Communications

CONTENTS

- ACKNOWLEDGEMENTS*.....1
- INTRODUCTION*3
- CYPRUS AND TRANSITIONAL JUSTICE: THE RELEVANCE OF OTHER CONTEXTS*5
- CYPRUS AND TRANSITIONAL JUSTICE: AN OVERALL ASSESSMENT*6
- TRANSITIONAL JUSTICE APPROACHES*12
 - TRUTH SEEKING*12
 - TRUTH COMMISSIONS*15
 - UNOFFICIAL TRUTH-SEEKING AND TRUTH-TELLING PROJECTS*19
 - CRIMINAL JUSTICE OR PROSECUTION OF PERPETRATORS*.....22
 - DOCUMENTATION*27
 - MEMORIALIZATION*.....29
- CONCLUSIONS AND RECOMMENDATIONS*.....35
- BIBLIOGRAPHY*.....41

ACKNOWLEDGEMENTS

ICTJ thanks the PRIO Cyprus Centre and its researchers for the close cooperation and infrastructural support it has offered to ICTJ's Cyprus team. There are a number of people who have advised ICTJ's international and Cyprus team over the course of this project, to whom we are deeply indebted. In alphabetical order they are: Tony Angastiniotis, Guido Bonino, Rebecca Bryant, Panicos Chrysanthou, Katie Clerides, Emine Çolak, Costas Constantinou, Achilleas Demetriades, Christos Efthymiou, Ilias Georgiades, Christophe Girod, Ayla Gürel, Maria Hadjipavlou, Mete Hatay, Erol Kaymak, Chara Makriyiannis, Gülden Plümer-Küçük, Greg Reichberg, Arne Strand, Nicos Trimikliniotis, Sevgül Uludağ, and Rana Zincir; the Association for Historical Dialogue and Research, the Australian High Commission, The Bi-Communal Initiative of Relatives of Missing Persons, Victims of Massacre and War, the Cyprus Community Media Centre, and the European Commission Representation in Cyprus.

The authors would especially like to thank Virginie Ladisch, head of ICTJ's Cyprus program, not only for her unfailing support for the program from its inception to its end, but also for working side by side with us on this publication. Any errors remain our own.

INTRODUCTION

For post-conflict societies, moving forward depends on overcoming the fears of the past.

– Carl Bildt, former High Representative in Bosnia and Herzegovina, 1997

In Cyprus, the past is an area of both remembering and forgetting. For many years, particular issues such as missing persons, accountability for, and perpetration of, acts of violence have been covered by the heavy clouds of taboo and limited information. Answers to other issues, like responsibility and involvement in the events that led to the coup and military intervention in 1974, as well as responsibility for acts of violence, have been carefully constructed to perpetuate hegemonic narratives about the past in both the Greek Cypriot and Turkish Cypriot communities. Since 2004 however, those clouds of fear and taboo have been lifting, and more and more people from civil society, academia, the arts community, and within political circles are beginning to think about how to overcome the burden of the past in order to create a more peaceful future. Films are being made about conflict-related violence and its impact on society, people are talking about creating peace memorials, family members of missing persons are receiving the remains of their loved ones after three decades of stalling and silence, and local NGOs, civil society, and educators are thinking about how to discuss the past in a way that moves outside of familiar cycles of blame and innocence. At the same time, there is also deep resistance to speaking about conflict-related violence, or about how the conflict has impacted people's lives in Cyprus today. Sporadic cases of violence are increasing, alongside visual violence in slogans and graffiti in public places against minorities, and especially in the south against Turkish Cypriots. This has created a tension both within and between the two main communities, and we have also seen lines being drawn in the sand about what should and should not be spoken about by both the political right and the left. At the same time, it appears that the societies are slowly and cautiously edging towards a more reflective way of thinking about the past. However, what that creates, in terms of tensions and opportunities for the future, is not yet certain.

This report builds on the work carried out by the International Center for Transitional Justice (ICTJ) Cyprus Program from 2009 to 2011. In this respect, it focuses on the importance of creating a cross-communal discussion in Cypriot public opinion about coming to terms with the past in Cyprus. This is significant, as the socio-psychological aspects of the conflict are most often overlooked in Cyprus. The peace negotiations are continuing in an environment defined by mutual insecurities between two communities that have harboured a great deal of anger and bitterness against each other over the years. Divisive re-tellings of key moments

in the conflict continue to be important to the politics of the communities on the island. Blame has become an entrenched part of the conflict, preventing awareness of others' suffering, and contributing tangibly to the deepening of inter- and intra-communal divides. Trauma is being passed on from generation to generation. Cypriots are trying to build lives for themselves in cities and villages still haunted by the dead and the missing.

Though Cyprus is unique, it is not the only country that has had to grapple with legacies of conflict-related violence. A key element of ICTJ's Cyprus program was to learn from the experiences of others dealing with their own difficult past in places such as Northern Ireland, Lebanon, Bosnia and Herzegovina, South Africa, and elsewhere. This report draws upon those experiences, and links them to opportunities in Cyprus for building a more stable, peaceful country.

This report will elaborate the opportunities and constraints of four particular areas of transitional justice that are relevant to Cyprus. Truth-seeking initiatives, both official and civil-society led, criminal prosecutions, memorialisation efforts, and documentation projects are areas that have come up time and time again over the course of our work as topics where either there is movement, or interest in further information. It must be emphasised that these transitional justice approaches, developed in isolation, will not bring the desired outcome of seeking recognition for victims and promoting possibilities for peace, reconciliation and democracy. Fulfilling such a goal necessitates a broad-ranging approach that encompasses both legal and non-legal aspects of dealing with the past and incorporates all levels of society, rather than just the socio-political elite.

CYPRUS AND TRANSITIONAL JUSTICE: THE RELEVANCE OF OTHER CONTEXTS

A nation that does not take into account the multitude of suppressed memories of the majority of its people will always be weak, basing its survival on the exclusion of dissent and otherness. Those whose lives are not valued, not given narrative dignity, cannot really be part of the solution of the abiding problems of our times.

Ariel Dorfman, Eighth Annual Nelson Mandela Lecture

This section will highlight the main issues that dominate the transitional justice field in Cyprus, as well as providing a summary of the most important efforts in this field. It will also examine the primary actors and institutions that contribute to the shaping of the landscape of the past.

Transitional justice as a field emerged in the late 1980s and early 1990s, mainly in response to political changes in Latin America and Eastern Europe and to demands in these regions for justice. At a time when these regimes were going through a fundamental political transition, human rights activists and others wanted to address the systematic abuses by former regimes, but they were wary of endangering the political transformations that were underway. Since these changes were popularly called ‘transitions to democracy’, people began calling this new multidisciplinary field transitional justice.¹ Thus, in an effort to fight impunity within a challenging context—multiple perpetrators, lack of impartial judges, fragile transition/peace—a creative and multidisciplinary approach began to evolve.

Significantly for Cyprus, one of the aims of transitional justice is to challenge the official discourses and conventional historiographies that are written from the perspective of victors, or for perpetuating a particular dominant narrative. Transitional justice includes efforts to recognise suppressed and hidden narratives, and often includes contributions from different sectors of society in an attempt to ‘set the record straight’. These efforts are designed to help societies come to terms with past atrocities, both in order to give voice to victims whose perspectives were ignored, and to prevent the repetition of further atrocities. People who pay a heavy price at the hands of oppressors and perpetrators, whether in an authoritarian regime or an ethnic conflict, often experience a double punishment: not only have they been victimized, but they are also condemned to silence. It is as if their traumatic experiences never happened.

¹ Paige Arthur, ‘How “Transitions” Reshaped Human Rights: A Conceptual History of Transitional Justice’, *Human Rights Quarterly*, vol. 31, no. 2 (May 2009), pp. 321-367.

Societies going through transition after a period of pervasive human rights violations tend to become a stage for conflicting readings of the past. The reading of the past is different between communities in conflict, and again between the oppressed/victims and the oppressors/perpetrators. In an environment defined by such deep divisions, coming to terms with the past, acknowledging the pain inflicted both on direct victims and between communities, and taking responsibility for events that caused violence or that led to widespread fear and dislocation by individuals or particular groups, becomes one of the roads towards reconciliation. In return, through a combination of transitional justice approaches, victims and traumatised groups can get answers to their questions by learning more about the events they suffered, such as the fate of disappeared individuals, or why certain people were targeted for abuse.² When matched by concrete steps to guarantee non-repetition on behalf of states, this can help them feel acknowledged and dignified.

Below we examine four approaches to dealing with the past – truth commissions, criminal prosecutions, documentation, memorialisation – and their relevance to ongoing discussions in Cyprus.

Cyprus and Transitional Justice: An Overall Assessment

For a number of reasons, Cyprus presents something of a unique context when thinking in terms of transitional justice. On one level, Cyprus is not a post-conflict society, but one that lives between worlds; there is no *transition* as such to speak of. On a still deeper level, if one of the aims of transitional justice is the restoration of trust between citizens and institutions, there should be at the very least some internal agreement on the legitimacy of those institutions; but in Cyprus the institutions themselves are one of the primary sites of inter-communal contestation.

However, on all of these levels, Cyprus presents a challenge to the concept of building trust both between citizens and institutions, and between groups of people that need to address a very real legacy of violence and human rights violations. The violation of citizens' individual and communal rights was perpetrated by both state and non-state groups. In some measure, those violations continue today. Transitional justice is immediately relevant to the issue of the continuing violation of the rights of the families of those missing as a result of the conflict, and whose fate is still unknown. Issues surrounding responsibility for acts of violence between 1964 and 1974 also remain pending. These issues influence not just the way specific institutions, such as the security sectors and the education systems, are shaped and what they perpetuate, but also remain an impediment to resolution of the ongoing peace process.

² <http://www.ictj.org/en/tj/138.html> (accessed 2 February 2010).

Therefore, Cyprus presents a rather complex case for transitional justice: it is a society that is dealing with the legacy of conflict-related violence in a number of very real ways that will be articulated in this paper below, but which is also held hostage by an ongoing peace process. Without resolution of the conflict, it is difficult to point to a clean transition that facilitates reform. However, the issues that are relevant in other more obvious transitions remain relevant in Cyprus. Because there is no access to justice, individuals and groups are seeking different means of receiving justice. There are a number of cases pending in the European Court of Human Rights against the state of Turkey, and emerging cases against the Republic of Cyprus also. Alternative truth-seeking approaches are ongoing. Documentation efforts are increasing. Some form of compensation and restitution is being offered at a low-level to Greek Cypriot refugees, albeit through a controversial mechanism. Though there is no agreed solution, there are attempts to seek redress for human rights violations. This process sits alongside, and often is also at odds with, the peace process.

While a few NGOs and civil society actors, as well as journalists, film-makers, activists, and academics, are exploring the legacy of conflict, overall there has been very little public discussion about how the past has been dealt with at the political level and by the media. In Cyprus, many efforts aiming to come to terms with the past are met with the refrain 'don't rock the boat' from significant actors operating in the field. Policy makers are especially concerned that truth-seeking efforts have significant potential to destabilise the peace process by stirring up old animosities (both between and within communities) about who killed whom and why. These concerns, along with a reluctance on the part of dominant media communities to deviate from hegemonic victim/aggressor narratives, have significantly contributed to the lack of public debate around the grey areas of the past. However, the lack of public debate does not necessarily amount to disinterest in coming to terms with the past. Opinion polls reveal that there is strong support for truth-seeking and reconciliation processes in Cyprus, though understandings of what these processes mean may vary. The desire to confront silences surrounding the legacy of conflict-related violence was also manifest in ICJT-led working group meetings focused on coming to terms with the past. These meetings provided people affected by the conflict with a platform for catharsis.³

³ The most significant of these meetings was the mono-communal meeting held on 4 March 2010 with the participation of Turkish Cypriot representatives of political parties, trade unions, women's organizations, the Chamber of Commerce as well as journalists, academics, researchers and psychologists working with relatives of the missing. The meeting started with four relatives of the missing telling their own experiences. Then the audience discussed how to come to terms with the past in Cyprus and the link between truth and reconciliation. The meeting was very vibrant and went for about four hours. Participants talked about their need to express their experiences of the past in such mediums as this issue is rarely addressed in the public sphere.

Until recently, the hegemonic discourse in both communities acted to reinforce selective silence about the past. This discourse placed blame at the door of the other, while emphasising the victimhood of each community. Education systems, political parties, trade unions, religious institutions and the military all play a significant role in perpetuating divisive, 'other'-demonising and self-victimising narratives. Yet there have also been dissenting voices from certain civil society organisations, teachers unions, academia and arts circles that act as carriers of what Ari Sitas defines as an 'ethic of reconciliation'.⁴

The question that needs to be raised is: which are the institutions that reproduce dominant discourses and which are those that pose a challenge to it. In Turkish Cypriot north Cyprus, it is hard to say that political parties have a clearly defined position on the issue of coming to terms with the past.⁵ The late leader of the Turkish Cypriot community and one of the founders of the TMT, Rauf Denktaş, representing the official line, has grouped the missing persons together with the martyrs who fell defending the Turkish community against Greek aggression during the wars of 1963 and 1974.⁶ Many relatives of the missing were not pleased with this grouping. A relative of the missing expressed this as follows: 'Mr. Denktaş made a declaration, saying [the missing] died, we need to accept this, we will not exploit it. We have been perceived as martyrs. The TRNC never supported us, they left us to our own fate'.⁷ They also recognize a difference in representation and organization: while the missing persons have no representation, the families of the martyrs have a strong organization that lobbies for the rights of its members. In fact, the martyrs association in the north (*Kıbrıs Şehit Aileleri ve Malul Gaziler Derneği*) can be cited amongst the groups that perpetuate simplified, us versus 'other', narratives of conflict-related violence in Cyprus.

After 1974, the TMT cadres were represented in the National Unity Party (UBP) and the later UBP breakaway party, the Democratic Party (DP). Neither party has been explicitly supportive of efforts that are aimed at coming to terms with the past. At the same time, the

⁴ Ari Sitas, *The Ethic of Reconciliation* (Durban: Madiba Publishers, 2008), pp.9-11. Sitas defines the ethic of reconciliation as a post-second world war and a post-colonial phenomenon that socializes people into specific dispositions towards others. This ethic has three key features: first, the other is 'not seen as eliminable, secondly the other is not a reified thing, a potential beast of burden to be compelled into servitude, an object and therefore she is non enslaveable and non-exploitable. [Lastly] the other is non-excludable or marginalisable from social norms or rights despite gender, race, ethnos or caste-like group' (2008, pp. 9-11).

⁵ Not surprisingly, right-wing circles have not been supportive of such endeavours. Investigative journalist Sevgül Uludağ, in her book *Oysters with the Missing Pearls* (Nicosia: IMKE, 2005), underlines how the remnants of the Turkish Resistance Organization (TMT) were angered by her interview series on missing persons. She explains how through threats and psychological intimidation such groups aimed to stop her from writing on this issue: 'When I started the interviews on missing persons, some extreme nationalist groups demanded that the missing persons "are left where they are" and tried to stop the process, yet as the overall mood has changed [in the Turkish Cypriot community] they had to come to the point of saying "we want our remains back"' (p. 15).

⁶ Paul Sant Cassia, *Bodies of Evidence: Burial, Memory and the Recovery of Missing Persons in Cyprus* (New York and Oxford, Berghan Books, 2005), p. 124.

⁷ Sevgül Uludağ, *İncisini Kaybeden İstiridyeler* [Oysters with the Missing Pearls] (Nicosia: IKME_BILBAN, 2005), pp. 54-55.

position of the major left-wing party is not entirely explicit. While the Republican Turkish Party (CTP) came to power in a government coalition with Serdar Denktaş's DP after the general elections of 14 December 2003, and obtained the presidency of the Turkish Cypriot community in 2005, with a continuous commitment to reconciliation, then-President and CTP leader Mehmet Ali Talat also stated in response to a question from journalist Murat Aksoy from the Turkish daily *Yeni Şafak*, that coming to terms with the past was a 'tricky issue', and that it was risky to open old wounds,⁸ thereby echoing the 'don't rock the boat' position shared by other key policy makers in the field. It is also worth noting that both the CTP and the second-largest political party on the left; the communal democracy party (Tdp) are concurrently in favour of reunification, while at the same time unwilling to vocally support the issue of confronting the legacy of conflict related violence.

Meanwhile, the education systems on both sides endorse an account of the past which reinforces the victimhood of their own community, and places the blame at the door of the other. But between the communities there are also differences in the sites of resistance to such black and white narratives. Teachers unions are one such site of imbalance. In the north they have historically used their organizational capacity to pressure governments towards a settlement of the problem, and have been at the forefront of efforts to reunify the island. In north Cyprus, KTÖS (Cyprus Teachers Union) and KTOEÖS (Cyprus Turkish Secondary Teachers Trade Union) also lent their support to pro-reconciliation efforts in the sense of wanting to come to terms with the past. The organizations have strong links with the Bicomunal Initiative of Relatives of Missing Persons and Victims of War (Bicomunal Initiative) that supports truth-seeking and reconciliation. Together, they organized the Commemorative Peace Festival on 22 July 2010 that aimed to remember the innocent victims of almost 50 years of violence and war.

On the other hand, in the south, teachers unions have historically tended to act as promoters of the entrenched Greek Cypriot dominant narrative and official position on the conflict. This, however, is showing slow signs of change. The work done by the Association of Historical Dialogue and Research (ADHR), explored further below, is a case in point.

Education has also been a site of political struggle. In the lead-up to the 2004 referendum and Cyprus's EU accession, the then recently elected CTP government in north Cyprus changed the community's history textbooks. A positive step was taken when the most graphic and bloody images of the conflict and Turkish Cypriot suffering were removed, and the books portrayed Turkish Cypriots as active actors in Cypriot history, rather than the passive recipients of Turkish history, culture, and protection. The image of the Greek Cypriots became less aggressive. Much of the suffering of the past was removed, and the only remaining 'martyrs' of the

⁸ Murat Aksoy, "Kıbrıs'ta sorun: Geçmişle yüzleşememe" [The Key Problem in Cyprus: Inability to Come to Terms with the Past], *Yeni Şafak* (15.05.2008).

conflict were symbols of the Cypriot left – Dervis Ali Kavazoglu and Costas Mishaoulis, Turkish and Greek Cypriot communists and activists killed in 1965, who subsequently became a symbol of reconciliation and inter-communal solidarity. However, in 2009 when UBP gained power in the parliament, the history textbooks were again revised, this time returning to a more conservative perspective.

In the south, there has been a long struggle for curriculum reform to create multiple perspectives in history teaching and learning, but the area remains a site of contestation. While a committee is currently sitting with aims to revise the textbooks, history books in the south remain sites where invasion and occupation narratives are dominant, and where the perspective of the Turkish Cypriot community is invisible. Attempts at reform are made difficult by teachers unions, parents groups, and a highly nationalist media. In order for a more stable society to be built, much work needs to be done to create more balanced education systems, together with a re-thinking of the way the media reconstructs the past.

Cyprus is a highly militarised country, with Turkish, Turkish Cypriot, Greek, Greek Cypriot, UK and United Nations armies numbering somewhere in the vicinity of 170,000 soldiers.⁹ In addition, military service is compulsory for all young men of both communities.¹⁰ As an institution, the military on both sides is invested in perpetuating black and white victim/ aggressor narratives, though the opening of the checkpoints in 2003 has undermined the strength of the military's role as a perpetuator of nationalist discourses, especially in the south.

Refugee associations and the longer-established families of missing persons organisations in the south and the north more often became the carriers of dominant discourses. Because these associations were formed with the specific purpose of not forgetting the violence suffered at the hands of the 'other', it is difficult to envisage a scenario where such organisations could re-define their roles. However, it is important to note that it is among the families of missing persons and among refugees that one most frequently also finds more nuanced understandings of the conflict, and the capacity for empathy and compromise.

The media in the north is essentially controlled by political parties, in the sense that each party has a newspaper, and sometimes also a TV and a radio channel. The newspaper of CTP, *Yenidüzen*, for which Sevgül Uludağ writes, has become a medium representing alternative discourses. Aral Moral, writing for *Havadis*, is another journalist who has consistently addressed these issues. However, aside from these few exceptions, the Turkish Cypriot media has not been sensitive to the issue.

⁹ Based on the following numbers: UK military – 7,800; UNFICYP – 1,000; Turkey – between 25,000 and 40,000; Turkish Cypriot conscripts – 8,000; Greek Cypriot conscripts – 18,000; RoC reserve army – 80,000; Military from Greece – 10,000. Exact military numbers are sensitive, and therefore difficult to verify.

¹⁰ In the south, only Greek Cypriots are required to complete military service. In the north, until very recently, only Turkish Cypriots were required to complete military service, but this has recently changed to include minority communities.

In the south, the role of political parties in debates about the past has taken an interesting turn. Traditionally, presidents of the Republic of Cyprus (RoC) have come from right and centre-right parties, DIKO and DISY, which have both been staunchly in favour of keeping the past a closed book. DISY was formed by former RoC president, Glafkos Clerides, and has been the repository of members and supporters of the extremist group EOKA B, which launched the July 1974 coup in Cyprus. Communist party AKEL has been a strong supporter of reconciliation with the Turkish Cypriot community, and of the need for reunification. The parties that consistently gain the highest levels of public support are DISY and AKEL, at opposite ends of the political spectrum.

During the period of the 2004 referendum for the reunification of Cyprus, DISY was the only major political party to publicly advocate for support of the peace plan, and in doing so, broke definitively with a large part of its electorate that rejected the plan. This also signalled a visible shift in DISY policy towards the other community, and towards the need to find common ground. The debate within the party about the need to deal with the past in order to move forward is, however, an extremely divisive one. The leadership has, however, tended towards the need for rapprochement. During the 2004 peace plan negotiations/referenda, communist party AKEL, which had been the only major party to consistently advocate for rapprochement, withdrew its support for the plan, also causing a schism in its support base. Since then, while it has continued to advocate for reunification, and for 'dealing with the past', it is with the shadow of its own past hanging over its head.¹¹

In addition, both the media and the Cypriot Orthodox Church have also been key institutions involved in the perpetuation of the hegemonic narrative. Unlike north Cyprus, ownership of the Greek Cypriot press is concentrated in the hands of a few powerful actors, who have the capacity to block out alternative perceptions of which they, or their stakeholders, disapprove. Of the five main television stations, two are government-owned (RIK 1 and 2), and the other three are in private hands. Of the latter, the Church is a major shareholder of one (MEGA),¹² and the privately held DIAS media group holds the other (SIGMA). DIAS also holds the major daily newspaper *Simerini*, and a number of radio channels and magazines.¹³

As an entity, the Church has contributed to the narrative of Cypriot Hellenism, and has positioned itself as the protector of Greek ethnic purity in Cyprus.¹⁴ However, there are some

¹¹ For a more nuanced picture of this, see Neophytos Loizides, 'Ethnic Nationalism and Adaptation in Cyprus', *International Studies Perspectives*, 8 (2007), pp.172-189.

¹² The Church established MEGA's antecedent channel, O LOGOS. MEGA bought it out in 1999, but the Church maintains a sharehold.

¹³ <http://www.diasmedia.com/>

¹⁴ There are a number of historical reasons for this, which have been explained by Rebecca Bryant in *Imagining the Modern: The Cultures of Nationalism in Cyprus* (Istanbul: I.B. Taurus, 2004).

indications¹⁵ that internal differences of opinion regarding the conflict and its resolution may provide the Church with the capacity to become a less hard-line¹⁶ actor over the coming years.

The next section will take a closer look at the potential for transitional justice measures to be put into practice in Cyprus, drawing in part on the experiences of other contexts.

Transitional Justice Approaches

The ICTJ considers that the aims of transitional justice can be generally stated as ensuring the recognition of the violation of the rights of victims and the construction or reconstruction of trust between citizens and the institutions of the state charged with guaranteeing fundamental rights. Among the various approaches used in the field of transitional justice, there were four in particular that stood out as the most relevant for Cyprus, either because they are already being applied or because they are the subject of debate and discussion. This section will therefore focus on these four approaches: truth commissions, criminal prosecutions, documentation, and memorialisation. Among these, truth seeking has received the most attention in Cyprus.

Truth Seeking

Truth seeking opens up the possibilities of finding explanations for what happened in the past through opening a space for the telling of stories not previously heard. It may be especially important in providing alternatives to what have become entrenched political discourses. Truth-seeking initiatives take many forms—including freedom of information legislation, declassification of archives, investigations into the missing and disappeared—and the establishment of non-judicial commissions of inquiry, including **truth commissions**.¹⁷ These efforts can take place on the official level as well as unofficially when led by local civil society groups.

While there have been heated debates about the establishment of a truth commission in Cyprus, what some may not realize is that transitional justice mechanisms encompass a range of strategies that are much broader than truth commissions. In fact, there is already truth-seeking work underway in Cyprus, both on the official and unofficial level.

¹⁵ Here we refer to the Bishop of Morphou, who has consistently preached a policy of multi-communal tolerance and understanding. For more on the bishop and his interpretation of the Cyprus conflict, see his interview with Sevğül Uludağ, 'Nationalism is a sin and the Greek Cypriot Orthodox Church has committed this sin', *Yeniduzen*, 15 April 2003.

¹⁶ In the 2004 referendum period, late Bishop Pavlos of Kyrenia publicly proclaimed that the Annan plan was 'satanic', and Greek Cypriots who voted in favour of it would go to hell (Demetra Molyva, 'Synod calls for rejection', *Cyprus Weekly*, 23-29 April 2004). Similarly, in his 2010 Easter message, Archbishop Chrysostomos, leader of the Cypriot Orthodox Church, announced that 'there was an urgent need to reset the Cyprus problem as an invasion and occupation problem and fight for liberation and not for any old form of reunification'. He continued, encouraging 'the President of the Republic and the political leadership to heed the voice of duty stemming from our 3,000-year Greek history and our 2,000-year Christian course and not give in to difficulties and pressure' (Demetra Molyva, 'Archbishop reverts to militant tone in Easter message', *Cyprus Weekly*, 3 April 2010).

¹⁷ <http://ictj.org/our-work/transitional-justice-issues/truth-and-memory>

The most important example of an official truth seeking mechanism is the *Committee on Missing Persons* (CMP). In contrast to the institutions set on preserving a particular narrative of the past, the CMP is an institutionalised, bi-communal committee established [in 1981] by agreement between the Greek Cypriot and Turkish Cypriot communities under the auspices of the United Nations.¹⁸ The CMP is the only official institution which is mandated to establish the fate of the approximately 2000 people who went missing between 1963 and 1974. The CMP operates within an extremely sensitive political context, and its narrow mandate is primarily a reflection of this. On one level, the ongoing peace negotiations place continuous pressure on the two societies to not undermine the chances for reaching a peace agreement. Because talking in any detail about the violence of the past is perceived by the political leaderships to be a destabilising force, the CMP walks a very fine line between dealing with the most sensitive aspect of the conflict and retaining the support of domestic political leaderships. The missing is one of the most politicised aspects of a conflict which is still not technically over. Therefore, finding and returning the bodies of the missing traverses very delicate territory on more than one level.

The Committee is composed of three members; one appointed by the Turkish Cypriot leader, one appointed by the Greek Cypriot leader, and a third member selected by the International Committee of the Red Cross (ICRC) and appointed by the Secretary-General of the UN. Their decisions are taken by consensus and the chair is rotated monthly. The CMP's mandate is strictly to establish the fate of people reported missing as a result of the clashes between the early 1960s and 1974: 'The Committee shall look only into cases of persons reported missing in the inter-communal fighting as well as in the events of July 1974 and afterwards.'¹⁹ It very clearly does not attempt to establish cause of death or to apportion responsibility for death.²⁰ Upon transfer of the remains to families, the state coroner systematically signs a death certificate stating that the cause of death is unknown.

The CMP also operates under the condition of limited impunity. This was granted in Cyprus without previous or subsequent public debate in both communities, though the process was formalised by a decision taken by the Republic of Cyprus. Then-Attorney General of the Republic of Cyprus, Michalis Triantafyllides, made a decision in August 1990 to override the state's legal obligation, upon the discovery of human bones, to undertake a criminal investigation. In a letter to the CMP third member, he stated that:

¹⁸ See www.cmp-cyprus.org.

¹⁹ Committee for Missing Persons, Terms of Reference, Article 7.

²⁰ *Ibid.*, Article 11..

In view of the paramount need to ascertain as soon as possible the fate of the missing persons and of the consequent need to encourage witnesses to give evidence in this respect, as Attorney General of the Republic of Cyprus I hereby declare that, in my opinion, it will not be in the public interest, in the sense of Article 113.1 of our Constitution, to prosecute any witness who, in giving evidence to the Committee on Missing Persons during the course of its investigations, discloses any information which could constitute the basis of a criminal prosecution against him and, therefore, such witness will not be prosecuted on the strength of such disclosure.²¹

The policy was designed to encourage people to come forward with information about deaths related to 1974 in exchange for immunity from prosecution.²²

Operating in this particularly restrictive context, a great deal of the CMP's work is considered best practice by others working in their field. It took a number of years for the committee to overcome political deadlock and build sufficient supportive political scaffolding to allow it to exhume remains and begin the identification and return process. Exhumations began in 2003. Funerals for Greek Cypriot and Turkish Cypriot missing persons were first held on 8 and 13 July 2007, respectively. To reiterate, the CMP's efforts are purely forensic in contrast to exhumation efforts in Latin America which, in many cases, had both forensic and psychosocial focuses. Nor can it investigate the circumstances surrounding the death or disappearance. Its mandate ends with the return of remains to family members. It is also important to note that there is no planned follow-up on the work of the CMP that expands on its work and develops the families' right to know the circumstances surrounding the death of their loved ones. The lack of an official means of learning about how their loved one died has been deeply problematic for a number of family members of missing people, some of whom have pursued legal avenues to learn the circumstances surrounding their loved one's death.²³

There are a number of differing perspectives both within Cyprus and in the international human rights community, in regard to the approach of bodies with restricted mandates such as the CMP. Some people have called into question the perpetrators' conditional immunity from prosecution, pointing to the responsibility of investigatory bodies and governments to provide a fuller truth about the fate of the missing. On the other hand, others, including the CMP and the political leadership of both communities in Cyprus, emphasise the need to maintain a secure process, free of political partisanship, that enables burial sites to be identified.

²¹ Letter of Attorney General Michalis Triantafyllides to Paul Wurth, Third Member of CMP in Cyprus, dated 2 August 1990. Document A.G.62/83/V.

²² Document A.G.62/83/V.

²³ See, for example, *Varnava and others v. Turkey*, ECtHR 2008; *Cyprus v. Turkey*, ECtHR 2001; *Karabardak and Others v. Cyprus*, October 2002; *Baybora and Others v. Cyprus*, October 2002; *Şemî and Others v. Cyprus*, no. 13212/02; *Hüseyin and Göçer v. Cyprus*, January 2003. To find these cases, go to http://www.echr.coe.int/ECHR/Homepage_En/.

Another official mechanism is the parliamentary committee established in 2006 by the Republic of Cyprus with the aim of examining the events leading up to the 1974 coup and the subsequent Turkish military response. A closed committee formed along the lines of a historical commission, it has to date collected some 85,000 pages of documents (with 40,000 coming from the Greek Cypriot army command), audio-visual material, and the testimony of 83 witnesses.²⁴ Its goal is to 'collect as much material as possible, put it in an archive and issue a report with its findings.'²⁵ Those documents are classified, and parliament will decide whether the archive will be published. The report will be handed over to the president, who will decide if it will become public.

Apart from these two mechanisms, a reconciliation commission was incorporated into the 2004 Annan plan. It was a vague addition to the plan, which stated in the main text only that 'an independent, impartial Reconciliation Commission shall promote understanding, tolerance and mutual respect between Greek Cypriots and Turkish Cypriots.'²⁶ It was to have been composed of an equal number of Turkish and Greek Cypriots, as well as an international member. However, there was no public debate around, or response to, the proposal; public attention was turned to the complexities of refugee return, the economic consequences of the new state, and its political viability. Post-Annan peace negotiations between Mehmet Ali Talat and Demetris Christofias and now Derviş Eroğlu and Demetris Christofias have not yet touched on the issue of how to address the violent past, nor have they attempted to include any form of institutionalised reconciliation between the two communities in a peace plan. In the course of the ongoing negotiations, leaders from both communities should discuss options for addressing the past, whether through a reconciliation commission, a truth commission, or another transitional justice approach.

Truth Commissions

The right to truth is clearly established under international law.²⁷ In the field of transitional justice, the right to truth is commonly pursued through the establishment of a truth commission. Truth commissions do not prosecute, but rather devote their energies to assembling a record of human rights violations during a particular (mandated) period. They generally seek to describe what happened, who was responsible and what motives were at work.²⁸ While each truth commission is unique, they share a set of characteristics such as focusing on the

²⁴ <http://www.cyprus-mail.com/cyprus/many-mouths-still-shut-1974>

²⁵ Ibid.

²⁶ (Proposed) constitution of the United Cyprus Republic, Article 11, paragraph 1.

²⁷ Diane Orentlicher, *Promotion and Protection of Human Rights*, E/CN.4/2004/88. Summary.

²⁸ Stephan Landsman, 'Alternative Responses to Serious Human Rights Abuses: of Prosecution and Truth Commissions', *Law and Contemporary Problems*, vol. 59, no.4 (Autumn 1996), p.82.

past, investigating abuses over a period of time, and being officially sanctioned, authorized or empowered by the state. They are temporary bodies, typically in operation for six months to two years, and complete their work with the submission of a report. Official status gives a truth commission better access to official sources of information, increased security to undertake sensitive investigations, and a greater likelihood that its report and recommendations will receive serious attention from the authorities.²⁹

Broadly speaking, the aim of a truth commission is to investigate and publicly acknowledge massive abuse in the past. Across the more than thirty truth commissions that have been established around the world, there has been a variety of aims stated in the mandates, based in large part on the specific nature of past violations as well as the political space or will. In general, however, a truth commission tends to include a combination of five basic aims: 'to discover, clarify, and formally acknowledge past abuses; to respond to specific needs of victims; to contribute to justice and accountability; to outline institutional responsibility and recommend reforms; and to promote reconciliation and reduce conflict over the past.'³⁰

Although truth commissions have been widely discussed in Cyprus, most often the South African model is cited to argue that truth commissions are not applicable to Cyprus. However, the South African model is only one of the many different types of truth commissions, and was designed in accordance with the constraints and realities of the political situation at the time of transition. Particularly in the context of subsequent developments in international law, it has become an extremely problematic difficult model to pursue. The South African model is known for its controversial arrangement of providing amnesty in return for full disclosure from those who perpetrated abuses. Within Cyprus there is a tendency to reject that model, and subsequently truth commissions in general, because of the focus on perpetrator testimony. However, to date, the South African Truth and Reconciliation Commission (SATRC) is the only truth commission that had such a prominent space for perpetrators; at its origin a truth commission is a victim-centred process.

Despite the commonalities amongst the various truth commissions around the world, their specific investigatory mandates and powers have differed considerably to reflect the needs and political realities of each country. The first commissions that were formed from the 1970s onwards, such as Uganda, Bolivia, Argentina, Zimbabwe, Uruguay and the Philippines can be considered as 'more circumscribed and limited commission efforts'³¹ as they dared not hear testimony in public for fear that it might be too inflammatory or arouse retaliation from the ousted military officers or their patrons.³²

²⁹ Priscilla B. Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity* (London: Routledge, 2001), p. 14.

³⁰ Hayner, *Unspeakable Truths: Confronting State Terror and Atrocity*, p. 24.

³¹ Robert I. Rotberg, 'Truth Commissions and the Provision of Truth, Justice, and Reconciliation', in *Truth v. Justice*, eds. Robert I. Rotberg and Dennis Thompson (Princeton: Princeton University Press, 2000), p.4.

³² *Ibid.*, p.5.

Most of the commissions that were formed later had broader mandates and extensive goals. South Africa's Truth and Reconciliation Commission (SATRC), established by an act of parliament following the end of apartheid, is the prime example of a commission with a broader scope, and is highlighted here because the SATRC was a turning point in the evolution of truth commissions, as well as for its frequent reference in Cyprus. The act provided the SATRC with an extended mandate and gave it the power to grant individualized amnesty, search premises, seize evidence and run a sophisticated witness protection program. In comparison to previous truth commissions, the SATRC had significant size and reach, with a staff of up to 350, and a budget of USD 18 million each year.³³ The SATRC included both public and private testimony and the public interrogation of accused perpetrators by victims as well as by prosecutorial figures from the commission's staff and by the commissioners themselves. Furthermore, it went a step further and permitted press and television reports.³⁴ It was the first to hold public hearings, a feature now considered standard for truth commissions.

The SATRC was set up after a careful assessment of previous commissions, aiming not to repeat the weaknesses inherent in these earlier models. One particular problem common to the truth commissions that had been set up in Argentina, Chile, Haiti and Uganda was that the members of the commission - who shaped the research and decided what would be said in the final report - were appointed with very little consultation with civil society. The SATRC took this lesson seriously; it maintained that a commission whose members are appointed in consultation with different sectors within civil society and can represent the different political viewpoints, ethnic or religious groups and genders, will receive more public and national support. SATRC's members were therefore appointed as a result of a long consultative process which was open to the public.³⁵ While the SATRC is most known for public hearings and public testimony from perpetrators, to date it is the only truth commission to grant amnesty in exchange for truth.³⁶

Another truth commission that merits discussion is the Guatemalan truth commission, which was significantly different to the SATRC. The Guatemalan approach is interesting in the context of Cyprus not only for its vastly different approach to South Africa, highlighting the range of approaches to truth commissions, but also because of the high level of civil society

³³ Mark Freeman and Priscilla B. Hayner, 'The Truth Commissions of South Africa and Guatemala', *Reconciliation After Violent Conflict* (International IDEA, 2003), p. 140.

³⁴ Rotberg, 'Truth Commissions and the Provision of Truth, Justice, and Reconciliation', p. 5.

³⁵ Mark Freeman and Priscilla B. Hayner, 'Truth-Telling', *Reconciliation After Violent Conflict* (International IDEA, 2003), pp.129-130.

³⁶ The provision of an amnesty clause was the result of a political agreement signed between the Apartheid regime and the ANC. At the last minute, the Apartheid regime threatened to block the peace if there was not an amnesty clause included in the transition. The SATRC was thus crafted as a compromise that enabled the country to get to some of the truth about the period.

engagement in the process of exhuming and returning the disappeared.³⁷ The civil war that was fought between anti-communist government forces and leftist rebels, the Guatemalan National Revolutionary Unit (Unidad Revolucionaria Nacional Guatemalteca, URNG) endured for more than thirty years, resulting in some 200,000 deaths and disappearances. In June 1994, the government and the URNG agreed to establish a UN-led Commission for Historical Clarification. However, it took another three years until the final peace accords were signed and the Commission would begin its work. The Commission was precluded from naming perpetrators.³⁸ It completed its report in February 1999. Despite being unable to name names and directly apportion blame, the report, which ran to nine volumes and had the support of the UN, found that the army was responsible for more than 200,000 deaths and disappearances during 36 years of civil war.³⁹ It documented 626 massacres committed by the army and 32 by its opponents, and labelled the military actions acts of genocide.⁴⁰

There were significant differences between the truth commissions of South Africa and Guatemala. The SATRC relied on hundreds of public hearings, was endowed with amnesty-granting powers and powers of subpoena and search and seizure, and named individual perpetrators whereas the Guatemalan commission relied on no public hearings, had no amnesty-granting power, and did not name individual perpetrators. Furthermore, in contrast to the SATRC, reconciliation was not an explicit part of the Guatemalan truth commission's mandate: it focused rather on clarifying acts of violence and their historical causes. Comparing these two examples serves to highlight the range of truth commissions that have been used. One of the advantages of a truth commission lies in the fact that it is a non-judicial body and can therefore be freely adapted to meet the needs and conditions of the specific context.

The architects of more recent truth commissions are learning from the previous experiences and finding ways to increase their effectiveness and long-term impact as a way of dealing with the legacy of conflict-related and post-authoritarian violence. Ultimately, truth commissions can help a country come to terms with the past by 'narrowing the range of permissible lies'⁴¹ and providing a space for some of the victimized and silenced to present their perspectives on the violence they experienced.

³⁷ For more information about the Guatemalan process of recovering disappeared persons, see the Guatemalan Forensic Anthropology Foundation. Their website is: <http://www.fafg.org/Ingles/paginas/FAFG.html>.

³⁸ Freeman and Hayner, 'The Truth Commissions of South Africa and Guatemala', p.142.

³⁹ Commission for Historical Clarification, 'Guatemala: Memory of Silence', *Report of the Commission for Historical Clarification Conclusions and Recommendations*, 1999. Accessible at: <http://shr.aaas.org/guatemala/ceh/report/english/toc.html> (last accessed 6 October 2011).

⁴⁰ Rotberg, 'Truth Commissions and the Provision of Truth, Justice, and Reconciliation', p.4.

⁴¹ Michael Ignatieff, 'Articles of Faith', *Index on Censorship*, vol. 25 no. 5, issue 172 (1996), p.113.

In Cyprus, over the course of our work we found that key policy makers in the field received truth commissions with a great deal of cynicism. The main concern is that they may undermine the ongoing truth-seeking process initiated by the CMP. If people fear their crimes becoming public, they will no longer provide the CMP with information about burial sites, which will prevent families of victims from ever finding their loved ones' remains. It is also argued that Cyprus is unique because it contains two small communities in which everyone knows each other, and all will know both perpetrators and victims. More broadly, it is thought that by revealing the identity of the perpetrators, truth commissions or criminal prosecutions might heighten tension on the island by triggering cycles of blame and the possibility of revenge killings. For these reasons, it is frequently argued by policy makers, and heard in public rhetoric, that solutions that have worked elsewhere could not apply to the Cyprus context. However, it is important to again emphasize that the South African focus on perpetrators was unique, and an experience that is not necessarily transferrable to Cyprus with the same level of attention.

Furthermore, this cynical view is not something that is shared by the majority of the people. In fact, all studies conducted in Cyprus reveal the opposite. The polls conducted by Cyprus 2015 between 17 March–14 April 2011 with a sample of 1000 Greek Cypriots and 1000 Turkish Cypriots revealed that 72% of Greek Cypriots and 77% of Turkish Cypriots support the establishment of a truth and reconciliation commission to investigate for the truth regarding past events and hurts of the two communities, with a view to mutual forgiveness and reconciliation.⁴²

It should be underlined that each country has implemented transitional justice mechanisms according to its own specific needs and political realities. The differences among the various truth commissions prove this point. While there are commonalities between these various bodies, their specific investigatory mandates and powers have differed considerably, as have their goals and structures. The reality of political compromise in each context also contributes to the uniqueness of each situation. Therefore, the powers and mandate of a truth commission cannot be imported from one context to another. Rather, they will be shaped as a result of the balance of political forces in the country itself, the conflict context, and the particular demands from victims and civil society.

Unofficial truth-seeking and truth-telling projects

In Cyprus, a small group of actors has been calling for a public accounting of the past, and their efforts are slowly finding support in some circles. For a number of years, journalists Sevgül Uludağ and Andreas Paraschos have been publishing story after story of perpetrator and witness confessions about locations of graves, or stories of violence. Uludağ has also published a number of book-length collections of her interviews with family members of missing

⁴² See, for example, <http://www.interpeace.org/index.php/2011-08-08-15-19-20/latest-news/2010/112-poll-findings-cyprus> (accessed 14 January 2012); Φιλελεύθερος, 2 July 2006; and 'Building Trust' at www.cyprusopolls.org, p. 32.

people.⁴³ In addition to Uludağ and Paraschos, film-makers Tony Angastiniotis, Panicos Chrysanthou, Derviş Zaim, and Stefanos Evripidou, as well as other journalists and correspondents have focused their work on the theme of conflicting stories about the violence of the past. Angastiniotis's documentary, *Searching for Selden*, tells the story of three Turkish Cypriot villages whose women, children, and elderly were murdered by Greek Cypriots during the 1974 coup when the men of the villages were taken to prison camps.⁴⁴ Chrysanthou has made films about the division, and has touched on the tension between the left and the right in Greek Cypriot society.⁴⁵ Chrysanthou and Zaim have also presented victim and survivor stories in their documentary *Parallel Journeys*. In 2007, a documentary (*The Missing Bus*) about Turkish Cypriots who went missing in 1964 near Larnaca was released by Fevzi Tanpinar and Rasit Pertev. In 2008, a series of documentaries about the way the past is perceived, and its continued impact, were aired on Greek Cypriot television; these included *Soultana kai Charita* (Soultana and Charita) by Demetris Andreou and *The Hope*.

Since the Annan plan a number of conferences and seminars have taken place discussing issues related to dealing with the violent past, i.e., transitional justice and reconciliation.⁴⁶

In 2010, The Elders Foundation⁴⁷ made a documentary about the progress of the missing persons issue through the eyes of four young Cypriot students, called *Digging the Past in Search of the Future*. The documentary is being used by the ICTJ and the AHDR as part of a package of tools to discuss the way the past is understood and portrayed by and within each society. *My Own Truth*, released by Soula Hadjikyriacou in 2010, examines the past from a personal perspective; while Dervis Zaim independently made a film in 2011 called *Shadows and Faces* which fictionalises the story of a series of reprisal killings and attacks in a mixed village in late 1963/early 1964. Evripidou and Nugent in their 2011 documentary *Birds of a Feather* also explore conflicting stories about the violence of the past. These efforts are building a collective body of work that is creating a public debate on what happened in the past, and challenging hegemonic narratives that have gone unquestioned for a full generation.

⁴³ Sevgul Uludag, *Oysters with the Missing Pearls* (Nicosia: IKME, 2006).

⁴⁴ *Voices of Blood II: Searching for Selden* is available for viewing at <http://video.google.com/videoplay?docid=-7695688617775364591#>

⁴⁵ *Our Wall*, made with Niyazi Kızılyürek, and Akamas.

⁴⁶ World Day for Cultural Diversity for Dialogue and Development, 21 May 2004, University of Cyprus, Nicosia [speakers Aris Sitas and Djelal Kadir]; *Truth: The Road to Reconciliation? An Analysis of the Model and its Implementation in Countries with a History of Violent Conflict*, Conference organised by the Forum for Inter-communal Dialogue for Active Citizens for Peace in Cyprus and the Neo-Cypriot Association, 4 December 2004, Goethe Institute, Nicosia; *Rethinking Reconciliation and Cooperation with a View to Reunification in Cyprus: Challenges for Citizens, Political and Social Actors*, Conference at the University of Nicosia organised by Symfilios/ Uzlaşma (Reconciliation) and the Association For Historical Dialogue and Research, Cyprus Sociological Association, European Parliament Office In Cyprus, Reconciliation Committee of the Intercommunal Forum Against Racism & Nationalism, Cyprus Association Of Social Psychology, Cardet (Centre for the Advancement of Research and Development in Educational Technology), 20 and 21 June 2008, University of Nicosia; PRIO Cyprus Centre Annual Conference, *Learning from Comparing Conflicts and Reconciliation Processes: A Holistic Approach*, 18-20 June 2009, Ledra Palace, Nicosia.

⁴⁷ www.theelders.org

A small number of NGOs, including the Bicomunal Initiative, have also been outspoken proponents of finding alternative ways to address the past. Members of such groups have faced significant political backlash in reaction to their work, as well as numerous personal threats. However, in the public arena over the last seven years, their work has gone from being silenced, then marginalised, to being quietly received, at least in some quarters. Verbal attacks from groups on the far right (on both sides) have nonetheless continued.

The Bicomunal Initiative is an association of survivors and victims of the conflict which explicitly incorporates both Turkish and Greek Cypriots. Founded in 2006 from modest roots, it works to challenge hegemonic narratives about blame and victimhood. Its members are direct victims and survivors of Cyprus's violent past. Members of the Bicomunal Initiative visit schools, villages, and groups all over the country. Its members speak about their shared experiences of pain, and their desire for atrocities of the past to be exposed, acknowledged, and learned from. According to its current coordinator, Christos Efthymiou, 'It's been almost a decade since the opening of the checkpoints, and Cypriots still know very little of the "dark side of the moon"'. He goes on to add that:

the feeling of one-sided injustice still prevails. When the relatives of the missing work together to trace the fate of their loved ones, they become the vehicle of a common sense of purpose - that of teaching society not to repeat the mistakes of the past. In bringing society face to face with the realities of the crimes committed by both sides, a new understanding of the past can develop, creating a new awareness that injustice has not after all been one sided.⁴⁸

In their work they highlight that the pain of loss is shared by both communities, and emphasize the link between exposing stories of violence about the past and increasing general awareness of suppressed narratives and preventing further conflict in the future.

The Bicomunal Initiative is important because it adds much-needed layers to the over simplified victim/aggressor context. When a Turkish Cypriot stands before a Greek Cypriot audience and explains how he lost thirty members of his family in August 1974, the impact is powerful. The same impact is felt when a Greek Cypriot explains in the Turkish Cypriot community how everyone in his family barring himself and his brother were killed. Their stories create shock, horror, and most importantly, empathy, among their audience.⁴⁹ Members of the Bicomunal Initiative are among the few people who are arguing that the horrors of their experiences with war need to be publicly acknowledged in order to prevent a recurrence of

⁴⁸ Christos Efthymiou, email correspondence with C. Yakinthou, 10 September 2011.

⁴⁹ Statement based on responses from people attending meetings held by the Initiative, and by students who watched the film *Digging the Past in Search of the Future* in workshops co-hosted by ICTJ, and shared with the authors.

the past and to create a peaceful future. They therefore directly link truth-telling with the broader goal of reconciliation. Along with the work of those few journalists and artists who confront the violent past, it is they who are almost singlehandedly debunking myths that the 'other' has not suffered, one horrifying story at a time.

Standing apart from the rest of the Cypriot Orthodox Church, the Bishop of Morphou has also made efforts to address the past. Within his general theme of promoting reconciliation and forgiveness between the two communities, he has also canvassed the idea of leading a local truth commission-like body that would uncover what happened in the Morphou area. However, this idea has not yet been put into practice.

Criminal justice or prosecution of perpetrators

Prosecution, or criminal justice, from a transitional justice perspective⁵⁰ is generally taken to mean the prosecution of international crimes, crimes against humanity, war crimes, genocide, and politically motivated murder or violence. In Cyprus, there are a number of disparate legal efforts, directed internationally, to prosecute parties perceived to be the cause of families' suffering. Frustration with the ongoing peace process has led to a number of justice claims in the European courts filed by refugees and families of missing persons. The findings of these cases are influencing the peace process, and are also creating both progress on the issue and tension between the communities. In order to make sense of the developments in this field in Cyprus, this section provides a broad overview of the main aims and methods of prosecution.

'The role of criminal justice in times of transition is partly about providing a degree of justice to victims directly and indirectly affected by the crimes of perpetrators, but perhaps more significantly [it is] about the restoration of a concept of civic trust in the key institutions of the state which are required to guarantee a new era of genuine respect for fundamental rights and values.'⁵¹ That is, it is based on the premise that engagement with wrongdoing in the past lays the groundwork for the rule of law and respect for human rights. In addition, the duty to prosecute lies within the fundamental right to justice.

There is an obvious tension between those who support the idea of prosecuting the architects of political violence, and those who believe that amnesty and pardon are a wiser option for transitioning states. This tension has been distilled into the 'peace versus justice' dilemma. This is the perception that a transitioning state will need to choose one or the other route, but rarely will be able to pursue both paths. The dichotomy, real or imagined, is academic from a legal point of view. States no longer have the discretion to override their duty to prosecute in

⁵⁰ Much of the information for this section is drawn from Paul Seils and Marieke Wierda, 'Basic Considerations of Domestic and Hybrid Prosecution Initiatives', Paper prepared by ICTJ for the Office of the High Commissioner For Human Rights Transitional Justice workshop, September 2004.

⁵¹ Paul Seils, 'Restoring Civic Confidence through Transitional Justice', in *The Role of Courts in Transitional Justice*, eds. Almqvist & Esposito (Routledge, 2012), p. 265.

the name of stability. They may have discretion in the precise way they design a prosecution strategy and, in that context, about how they address the possibly very large numbers of potential accused. The question now is not so much whether to prosecute but who and when, and what to do with those not prosecuted. In addition, recent scholarship and activism are proving this to be something of an exaggerated dilemma because it most often appears that without justice, peace does not exist in any meaningful sense.⁵²

Prosecutions generally take place in a highly politicized environment. People who oppose prosecutions most frequently argue that they are driven by political vengeance, that their cost outweighs their benefit, and that it is most often minor perpetrators who are successfully prosecuted, while the authors of atrocities walk away relatively unharmed. On the other hand, a strong expression of formal disapproval by domestic institutions committed to human rights and democratic values can help to persuade citizens as well as institutions of the centrality of those values. Trials can help draw the distinction between conduct that is condoned and conduct that is condemned by the state. This will also contribute to the public's trust in state institutions. The underlying purposes of prosecutions can therefore be seen in a positive light, and may offer a more realistic justification than arguments based purely on deterrence or retribution.

Prosecutions form one of the central elements of an integrated transitional justice strategy, aimed at moving a society beyond impunity and a legacy of human rights abuse.⁵³ Domestic prosecution efforts have significant potential for impact, but they also often experience problems of capacity and political will. Especially in domestic settings, the need for a strong commitment to criminal accountability at the political level is crucial. Some of the key challenges include (1) presenting the commitment without politicizing the quest for justice and (2) understanding the complex goals and managing expectations.

Those in positions of political power can depoliticize the pursuit of justice by discussing accountability in a thoughtful manner, ensuring that they respect the presumption of innocence and do nothing that may detract from fairness or the appearance of fairness, and understanding and encouraging public debate about the complex goals that such a policy seeks to achieve.⁵⁴ An example is the Presidential Accord of Vicente Fox in Mexico, where he requested

⁵² See, for example, the work of Naomi Roht-Arriaza and Javier Mariezcurrena, *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice* (Cambridge: Cambridge University Press, 2006); Louise Mallinder, 'Can Amnesties and International Justice be Reconciled?', *The International Journal of Transitional Justice*, vol. 1 (2007), pp. 208-230.

⁵³ See the Final Report prepared by Joinet pursuant to Sub-Commission decision 1996/119, on 'Question of the impunity of perpetrators of human rights violations (civil or political)', UN Doc E/CN/Sub.1/1997/20/Rev.1, Oct. 2, 1997, known hereafter as the Joinet Principles, at para. 26: '[A]ll victims shall have the opportunity to assert their rights and receive a fair and effective remedy, ensuring that their oppressors stand trial and that they obtain reparation.'

⁵⁴ The absence of an overt political commitment to justice is sometimes presented as a desire not to interfere in the judicial process out of respect for the separation of powers. However, experience shows that the absence of a public commitment to a policy of justice is often accompanied by an active policy of impunity.

the creation of a Special Prosecutor to investigate federal crimes committed by public servants against members of social and political movements. In that declaration, he set out the aims of restoring the legitimacy of State institutions and confidence in the rule of law.⁵⁵

BOX 1: Focus on Peru

Peru's TRC continues to influence long-term efforts for reform in the country. One of the more remarkable recent stories from Peru has been the progress made in criminal prosecutions. In November 2005 proceedings were initiated against members of the Grupo Colina death squad, a group notorious for committing massacres. President Alberto Fujimori was arrested in Chile and extradited to Peru to stand trial on charges related to corruption and violations of human rights. The Special Criminal Chamber of the Supreme Court sentenced him in April 2009 to 25 years in prison for the crimes of murder, aggravated assault and kidnapping. The sentence was upheld on appeal in January 2010.

Nevertheless, the efforts to prosecute state agents responsible for human rights violations are constantly resisted by the government and the military. In September 2010, a decree was passed which seriously diminished the possibility of continuing the investigations and trials. Due to political pressure from civil society organizations, including the ICTJ, the decree was repealed.

In the UN Secretary-General's 2004 report on the rule of law and transitional justice in conflict and post-conflict societies, the SG underlines his support for domestic systems as the 'first resort in pursuit of accountability'. At the same time, the report emphasises that while the ICTY and ICTR have made significant contributions in addressing a massive justice deficit, developing jurisprudence in international criminal law, and catalyzing other developments in the field, the overwhelming difference between costs of the tribunals and numbers of cases processed causes serious concern. The report also highlights the difficulties faced by ad hoc tribunals to impact local populations and contribute to strengthening the local judicial system. Models that resemble the ICTY or ICTR are therefore unlikely to be repeated,⁵⁶ and the Statute of the permanent ICC in fact preserves a preference for domestic jurisdiction through the principle of complementarity.⁵⁷

⁵⁵ After the positive declaration of President Fox, the Special Prosecutor's Office has been beset with difficulties, the latest of which surrounds the controversial indictment of former President Echeverria for genocide for the killing of student protesters in 1971 (see Paul Seils, 'A Promise Unfulfilled? The Special Prosecutor's Office in Mexico', June 2004, available at www.ictj.org). Another example of positively expressed prosecutorial goals can be found in the campaign of Raul Alfonsín in Argentina in 1983, where the architects of the justice policy presented a serious argument in favour of prosecuting those responsible for the deaths, disappearances and mistreatment of thousands of civilians.

⁵⁶ This is not to say that an ad hoc international tribunal is a model that can be summarily dismissed, but policymakers who propose it must be able to demonstrate that it can be efficient.

⁵⁷ Under the principle of complementarity, the ICC will only act as a court of last resort in situations where a State is unwilling or genuinely unable to investigate or prosecute itself (ICC Statute, Art. 17).

It seems that UNSG's preference for domestic jurisdiction is unlikely to be fulfilled in the case of Cyprus. Domestic prosecution is notable in Cyprus largely for its absence. In addition, there is no serious prospect of Cyprus-related crimes being dealt with by an international tribunal. In the broader context of prosecution of perpetrators of violence between the years 1963 and 1974, the past has remained largely unaddressed. Instigators and supporters of the Greek-backed coup on July 15 1974 were quietly removed from positions of power, and only the coup's declared 'president' was subsequently jailed. The organised groups of far-right Greek and Turkish Cypriots who looted and burned each other's houses, who committed systematic rapes, beatings, and murders between 1964 and 1974, and especially during the 1974 coup and war, have not been identified or prosecuted. The fact that the Turkish army has not been held to account for its transgressions in Cyprus also functions as a shield for Greek Cypriots not to examine their own actions,⁵⁸ and a convenient foil for abuses committed by Turkish Cypriots.⁵⁹

A show of goodwill on the part of one party requires reciprocation from the other(s), in the absence of which a stalemate continues. The denial of crimes committed by one community towards the other is legitimated internally by the other's lack of acknowledgement of their transgressions. Because Greek Cypriots have not as a community examined their behaviour, Turkish Cypriots have been able to avoid assessing their own actions during the conflict. Further, the Turkish Army's continued overpowering presence on the island makes Greek Cypriots reluctant to talk of Greek Cypriot human rights violations or inter- or intra-communal atrocities committed during the war. Greek Cypriots insist that they, as victims of the invasion, are not the party that needs to examine its human rights violations, and that they are the victims of continued human rights violations by Turkey. Turkish Cypriots, in turn, argue that in the lead-up to the coup (in the years preceding the 1974 war) they may have committed excesses, but this was justified in the context of the threat of communal eradication during this period.

In addition, the subject of amnesty will come up in most serious discussions about human rights violations in Cyprus. Amnesty is a controversial aspect of the give-and-take in prosecutions regarding cultures of human rights violations. Amnesty can be defined as 'a legal measure, adopted in exceptional circumstances, whose primary function is to remove, conditionally or unconditionally, the prospect and sometimes the consequences of a legal proceeding against designated individuals or classes of persons in respect of designated types of offences.'⁶⁰ International law has been moving towards prohibiting amnesty for crimes against humanity and war crimes.

⁵⁸ That many of the worst atrocities committed by Turkish soldiers may have been revenge crimes against previous Greek Cypriot atrocities is also not discussed.

⁵⁹ Thanks to Rebecca Bryant for this point.

⁶⁰ <http://es.ictj.org/en/research/projects/ddr/thematic-studies/3497.html>

But prosecution of perpetrators of violence in Cyprus is an immediate unspoken pressure-point within both communities, among both victims/survivors and political leaders. While victims of direct violence are not uniform in their responses, a significant proportion of those who have spoken with ICTJ over the course of this project seem either uncertain about whether they would like to prosecute the perpetrators of violence against them, or else disinclined.

There appear to be two primary explanations for this. First, there was not always a clear line between perpetrator and victim. Many of the crimes that resulted in death or disappearance resulted from an escalation of tit-for-tat antagonisms, or were perpetrated by people from neighbouring villages or even by neighbours. In some cases, this makes survivors quietly reluctant to see that the guilty parties are named for what they have done, and in others, more determined to keep the book of the past closed. In addition, members of the conflict period's extremist groups are still prevalent in Cyprus politics and society. In other cases, prestige and the desire not to tarnish images remains important.

Second, the political context also dictates the lack of debate. The reaction is tied to the work and results of the limited mandate of CMP, which only permits the identification and return of remains without revealing any information about the circumstances of death and killer/s. As a result, many families are beginning to focus on the truth-seeking element of the process. An overwhelming number of families will say their greatest need is to find out the truth of what happened to their loved ones. The CMP guarantees anonymity to its informants, and an unofficial limited immunity exists in practice. Just under half of those listed as missing have been exhumed,⁶¹ one-quarter analysed,⁶² and one-sixth returned to their families.⁶³ All parties are aware that increased interest in prosecuting perpetrators, or attempts to begin legal proceedings, will destabilise both the information-gathering process and exhumations. A single challenge to the CMP's mandate runs the risk of having the exhumation sites declared crime scenes, creating the need for slow and cumbersome criminal investigations, and further delaying the return of remains. For these reasons, the discussion about prosecution remains extremely muted, and must be handled with awareness of both political and legal contexts.

However, it should be underlined that even if there are no domestic prosecutions taking place within Cyprus, there are applications made by Greek Cypriot relatives of missing persons to the European Court of Human Rights against Turkey and applications made by Turkish Cypriot relatives of missing against the Republic of Cyprus. These cases usually find widespread coverage in the media and many people express concern for their potential to deepen the divides between the two communities. Due to the limited mandate of the CMP,

⁶¹ This equals 853 individuals as of 16 May 2012.

⁶² This equals 525 individuals as of 16 May 2012.

⁶³ This equals 321 individuals as of 16 May 2012.

which does not allow it to inform grieving families of the cause, responsibility, or surrounding circumstances of death, some relatives are resorting to external remedies such as the European Court of Human Rights to find out the full truth about their loved one's death.

These external legal actions are arising out of frustration at the stalemate and the slow rate of peace negotiations, but Cypriot leaders have a number of options before them to allow victims' families to address their frustrations without resorting to prosecutions. These options will be canvassed in the conclusions.

Documentation

An important element that can assist in clarifying the past is to document the violations that occurred. In contexts where a transitional justice mechanism cannot yet be put into place, civil society groups have focused on documentation as a way of preparing for an eventual process of confronting the past.

Documentation generally plays a supporting role to other approaches for dealing with legacies of conflict. Generally, the goal is to preserve information about human rights abuses, or to record narratives relating memories of the past when they are in danger of slipping away or remaining untold.

Documentation efforts can sometimes serve to strengthen legal claims; they can also help to preserve and provide personal information for victims and their families, influence the national discourse, shape policy, and contribute to historical memory.

[In] recent decades we have learned much more about how to use documents to build open and just societies. Important developments have included the advent of truth commissions; the democratization of history and increased attention to the stories of victims and the oppressed; the increasing legitimacy of oral history methodology to create larger, richer narratives about the past; and many exciting efforts by human rights and democracy NGOs around the world to collect documents in defense of rights. Thus documents can help us understand and confront the past in an effort to build a more just future.⁶⁴

The principal rights being protected by documenting legacies of violence and its consequences are the right to know the truth, and, as a corollary, the duty to give effect to the right to know and to preserve memory.

Not only is documentation important in the way it sets the stage for future transitional justice measures, it is also a fundamental fulfilment of the right to truth. In the UN Commission on Human Rights' set of principles to combat impunity, the right to know is set out as follows:

⁶⁴ Louis Bickford et al., *Documenting Truth* (New York: International Center for Transitional Justice, 2008), p.3.

Every people has the inalienable right to know the truth about past events concerning the perpetration of heinous crimes and about the circumstances and reasons that led, through massive or systematic violations, to the perpetration of those crimes. Full and effective exercise of the right to the truth provides a vital safeguard against the recurrence of violations.⁶⁵

The duty to preserve memory is described as:

A people's knowledge of the history of its oppression is part of its heritage and, as such, must be ensured by appropriate measures in fulfilment of the State's duty to preserve archives and other evidence concerning violations of human rights and humanitarian law and to facilitate knowledge of those violations. Such measures shall be aimed at preserving the collective memory from extinction and, in particular, at guarding against the development of revisionist and negationist arguments.⁶⁶

Documentation projects can take many shapes. They include written and oral testimonies about conflict-related violence or about particular events, official and unofficial written records and physical materials like confessions, pamphlets and letters, oral or pictorial histories, and forensic anthropological work (see box 2 for an example).

In Cyprus, documentation has become a significant tool for coming to terms with the past in an environment where there is prevailing uneasiness regarding truth commissions and criminal prosecutions due to the perception that demands for justice will undermine the ongoing peace process. The work of journalists Uludağ and Paraschos described above are *de facto* documentation projects. In addition, the recent materials on the 1974 coup collected by the Republic of Cyprus special parliamentary committee is another source of documentation; albeit one that is not yet open to researchers or to the public. The PRIO Cyprus Centre and the AHDR's archive project will culminate in a Critical History Archive that will house all available primary and secondary material on conflict-related violence in Cyprus from 1955-1974.

If, in the future, involved parties such as relatives of the missing will come forward with demands for justice, no doubt documentation will prepare the ground for such an endeavour.

There are challenges to documenting past abuses in a divided Cyprus. Even though there are separate archives in the north and the south, significant documentation efforts are usually undertaken by key civil society organizations in Cyprus. But these organizations operate under continuous pressure to find funds to keep their work going. This has frequently created the considerable problem of ensuring continuity and institutionalization.

⁶⁵ United Nations Commission on Human Rights, *Report of the Independent Expert to Update the Set of Principles to Combat Impunity*, Diane Orentlicher, 8 February 2005, E/CN.4/2005/102/Add.1, principle 2.

⁶⁶ *Ibid.*, principle 3.

BOX 2: Guatemalan Forensic Anthropology Foundation

The Guatemalan community has been deeply involved in the truth-seeking process, and especially in the exhumation and recovery processes. Before the peace accords were signed, a group of relatives of the disappeared and various civil society organisations came together to pressure the Public Ministry about secret cemeteries which existed in their communities. In order to discover the whereabouts of their loved ones' remains, they collected information about executions, disappearances, and secret cemeteries. They then invited forensic anthropologists from Chile and Argentina to undertake the first exhumations and to train Guatemalan students and anthropologists. This group formed the Guatemalan Forensic Anthropological Team (EAFG/FAFG).⁶⁷

The Guatemalan Forensic Anthropology Foundation (Fundación de Antropología Forense de Guatemala, FAFG) is an NGO which investigates, documents, and raises public awareness about disappeared persons in Guatemala. It works in both national and international contexts, with other societies that have undergone similar traumas.

The FAFG has been working since 1992 to find the disappeared. It:

exhumes mass graves found in the Guatemalan countryside in an attempt to identify massacre victims—and [discover] how they died. The anthropologists analyze the unearthed bones for fractures, bullet holes, slash marks and other clues to causes of death. They compare the bones and other materials—such as clothing fragments—found in the graves with descriptions of the missing and the dead.⁶⁸

This work is done in order to 'identify the victims and compile scientific evidence for the Attorney General's Office bringing the case to court. In order to identify victims not identifiable by their families a bone sample is taken and processed in order to extract the DNA and create a genetic profile to be compared against the profiles of families of victims in the hope of identifying the remains by DNA.⁶⁹

The FAFG's work is primarily funded by foreign governments, foundations, and, for part of one year, by the Guatemalan government through the Reparations Commission⁷⁰ As of 2011, there have been 1,242 forensic investigations conducted, and 5,656 remains recovered. Of these, 4,156 remains have been returned to the families to be reburied.⁷¹

⁶⁷ A. Chapman et al., *Thinking Historically about Missing Persons: A Guide for Teachers* (2012), available at http://www.ahdr.info/educational_materials.php (accessed 16 May 2012).

⁶⁸ R. Mejia, 'Digging Guatemala: Anthropologists Look for Clues to Past Political Killings', *Scientific American*, 23 March 2009. Available at <http://www.scientificamerican.com/article.cfm?id=anthropologists-study-political-killings> (last accessed 4 October 2011).

⁶⁹ Fredy Peccerelli, Head of FAFG, correspondence with authors 2012.

⁷⁰ More information on the FAFG is available at: <http://www.fafg.org/Ingles/paginas/FAFG.html>

⁷¹ J. Suasnavar, Email correspondence with V. Ladisch, 19 September 2011. These numbers do not include more recent cases: notably in the Verbena Cemetery in Guatemala and the cemetery in Escuintla— where they are looking for remains of enforced disappearance.

Memorialisation

Using memorials, monuments, and commemorative activities as a means of addressing and engaging with the past is a growing area of transitional justice. Memorials can become sites of remembrance and symbolic reparations as well as a means of contributing to education, dialogue and debate, and truth telling. Memorials aim to acknowledge victims, but in the context of transitional justice, they have another, broader aim: to engage the wider society in reflection and conversation about the past and their vision for the future. Memorialisation can take a variety of forms, both permanent and temporary and may include: the renaming of public facilities, plaques, exhibitions, museums, and monuments.

The concept of memorials has undergone radical transformation over the course of the 20th century, as the socio-historical and aesthetic context has changed. There has been a metamorphosis of the monument 'from the heroic, self-aggrandizing, figurative icons of the late 19th century celebrating national ideals and triumphs, to the anti-heroic, ironic, self-effacing conceptual installations marking the national ambivalence and uncertainty of the late 20th century.'⁷² A reaction against memorials emerged, as reflected in German historian Martin Broszat's comment that: 'monuments may not remember events so much as bury them beneath layers of national myths and explanations.'⁷³ In the aftermath of WWII, artists invited to design Holocaust commemoration sites felt that it was impossible to have a memorial to commemorate the Nazi's final solution. A new movement of artists emerged with the view that monuments should challenge the world's realities, not affirm them. Thus, in the context of transitional justice, when we speak about monuments and memorials we are referring to a new, creative, didactic vision that not only honours the victims but also engages society in an ongoing reflection, evaluation and discussion of the past and has bearing on the present and future.

The struggle for control over the national or 'collective' memory lies at the heart of post-conflict or post-authoritarian accountability policies. 'In this arena, the struggle is not one of memory against oblivion or silence, but rather between opposing memories, each of them with its own silences and voids.'⁷⁴ Survivors of widespread human rights violations and members of the human rights community often criticise the efforts of new regimes to create an 'official story', a state-generated narrative about the past which excludes and renders invisible the voices and experiences of victims and survivors.

⁷² James E. Young, *At Memory's Edge: After-Images of the Holocaust in Contemporary Art and Architecture* (Yale University Press, 2002), p. 93.

⁷³ Martin Broszat, 'A Controversy about the Historicization of National Socialism', *New German Critique*, 44 (Spring Summer 1988), pp. 90-91.

⁷⁴ Elizabeth Jelin, 'Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America', *The International Journal of Transitional Justice*, vol. 1 (2007), p.140.

Policies of memorialisation are part of a larger arena of transitional politics and cannot be seen independently of other demands for truth and justice.⁷⁵ It is possible to distinguish three types of memorials: built public memorials (such as statues, grave sites, memorial walls and museums), unconstructed memorials (such as street signs, sites of genocide, or entire cities as in the case of Hiroshima and Auschwitz) and commemorative activities that include dates and anniversaries, protests scheduled for certain times and memory tours.⁷⁶ Artemis Christodoulou points out how:

[o]n an individual and national level, the process of memorializing helps the survivor and the nation to work through psychological trauma. In many cases, the very act of public acknowledgement of suffering contributes significantly to the healing process (...). This memory function of a memorial should, however, not be separated from other transitional justice goals. For a successful memorial, *remembrance* lies at the center of a network of transitional justice goals central to survivors of mass atrocity and human rights abuses, such as truth-seeking, prevention of future abuses, reparation and reconciliation.⁷⁷

Memorials and commemorative activities may serve a multitude of purposes. On one level, they point out alternative truths and underline the message 'never again'. Increasingly, they are being conceived as challenges to dominant discourses of collective memory instead of symbols of those discourses, as was the case more frequently in the past. Memorialisation of sites of mass atrocity, detention camps, and jails from dictatorship periods is a powerful way to engage in truth-seeking/telling and promotes the message 'never again'. Indeed, there is an international NGO devoted entirely to this – the International Coalition of Sites of Conscience.⁷⁸

Because outgoing governments that committed atrocities usually try to erase traces of oppression, post-transition periods usually witness sites of atrocity becoming arenas of struggle among those who attempt to transform the use of these spaces and those who promote initiatives to establish markers, memorials and museums in such places.⁷⁹ 'Through the memorial, the tools of the oppressor turns [sic] into the evidence of the oppressed. The oppressive regime is exposed and the space violated by the oppressive regime is once again reclaimed.'⁸⁰

⁷⁵ Jelin, p. 139.

⁷⁶ Artemis Christodoulou, 'Memorials and Transitional Justice', *Recommendation for the Report of the Sierra Leone Truth and Reconciliation Commission*, p.1.

⁷⁷ Ibid.

⁷⁸ <http://www.sitesofconscience.org/en/>

⁷⁹ Jelin, p. 149.

⁸⁰ Christodoulou, p.3

On another level, memorialisations can be seen as forms of symbolic reparations. Memorialisations, which ICTJ understands as 'an important component of a holistic transitional justice approach', have been recommended by the truth commissions of South Africa, Ghana and Peru, among others.⁸¹

Memorialisation efforts and processes can also create a public space for lasting dialogue by serving as a prism through which to examine past and present and to prepare for the future.⁸² For example, it is not only in the planning stages of the memorial and the creation of the memorial that the dialogue potential of the memorial comes to life. 'Continued dialogue around the issues raised by the memorial serves both as an assurance against forgetting – what may contribute to the recurrence of past abuses – and as an assurance against the creation of a state-sponsored narrative promoting one particular political agenda.'⁸³ Yet Hamber, Sevchenko and Naidu raise a fundamental concern that may undermine the dialogue potential of memorialization efforts. They refer to a study conducted by Hava Schechter and Gavriel Salomon which shows that visits by Israeli youth to Auschwitz can increase young people's empathy toward Palestinians. However, the findings of this research reveal that the empathy tends to increase in those who already have a more favorable disposition toward Palestinians, whereas empathy decreases in those who have a more negative perception beforehand. Hence, 'the meaning, purpose and reception of any memorial site are also always changing and will be different for different visitors.'⁸⁴ What this points out, then, is that memorials should not be unreflexively linked to reconciliation, or to increasing empathy within conflict communities.

Having said that, memorials have the potential to encourage an engagement with memory and to incite to action, whether through a physical interaction with the monument on the part of the visitor, or through an interpersonal interaction on the part of the visitor with other visitors or with their community. They can be used as effective mechanisms of coming to terms with the past. They not only function as sites of remembrance, making the experience of the victims visible, but they can further be used to instigate dialogue regarding what happened in the past and how the repetition of such traumatic experiences can be prevented. Since the question of which memories will be remembered and which will be repressed is a crucial one in transitional societies, it is worth paying careful attention to what is transformed, how it is done, and in what context. With the right conditions and support, memorials have the potential to contribute to peace education and democratic debate about past atrocities, as well as becoming symbolic reparations for victims of conflict.

⁸¹ Brandon Hamber, Liz Sevchenko and Ereshnee Naidu, 'Utopian Dreams or Practical Possibilities? The Challenges of Evaluating the Impact of Memorialization in Societies in Transition', *The International Journal of Transitional Justice*, vol. 4 (2010), p. 399.

⁸² <http://es.ictj.org/en/tj/785.html>

⁸³ Artemis Christodoulou, 'Memorials and Transitional Justice', *Recommendation for the Report of the Sierra Leone Truth and Reconciliation Commission*, p.3.

⁸⁴ Hamber, Sevchenko and Naidu, p.403.

As with documentation efforts, memorialisation appears to be a means of coming to terms with the past that has gained increasing traction in Cyprus. There are a number of projects, each in their infancy, that centre on the idea of transforming an area of the conflict space into a site of reflection, or of creativity, or even of protection of endangered flora and fauna. There is a project which proposes to turn the current buffer zone into a peace park, an eco-university, a wildlife reserve, a green housing development area, a memorial to those who lost their lives in the conflict and a learning space for students. Another project proposes building a children's play space in the Nicosia buffer zone. A third project implemented by the AHDR, now actualised, saw the development of a dilapidated house in the Ledra Palace buffer zone in Nicosia into a Home for Cooperation, a shared space for NGOs which will also house the above-mentioned conflict archive, an exhibition space, a cafeteria, and an outdoor cinema. The site itself also has the potential to function as a site of memory and transition from conflict to cooperation.

Memorialisation efforts that acknowledge the pain of both communities and do not exalt the experience of one community over the other can be used as a way of reckoning with the past in the existing circumstances. Although there are artists/architects who are willing to undertake such artistic works, the main challenge derives from gaining the support of policy makers. Only recently a sculpture representing peace, made by a Greek Cypriot artist, has been removed from one of the central roundabouts in north Nicosia to be replaced with a grandiose sculpture with an overtly nationalist message. Yet as mentioned, the authorities on both sides of the divide have also supported projects geared towards reconciliation such as the Home for Cooperation. It is important for local authorities and high-ranking government officials to embrace such projects. Bicomunal memorialisation projects, just like documentation centres, will not only instigate a debate about living together despite the traumatic events of the past, but they can also be seen as a preparation for a unified federal Cyprus.

CONCLUSIONS AND RECOMMENDATIONS

In societies struggling with legacies of conflict-related or post-authoritarian violence, the past does not reside cleanly in the past. It continues to live in the present, and play a role in how communities and societies shape their future. In order to build a stable, democratic, peaceful society, the past needs to be addressed, and cannot be buried or pushed to one side. This much has been made clear by all the work being done in Cyprus.

While there is a general cynicism towards dealing with the legacy of the conflict in Cyprus, it is underlined by specific, and significant, concerns about truth commissions and criminal prosecutions. The widespread perception is that the CMP is the fundamental institution representing truth-seeking efforts; and other efforts - especially those which emphasise accountability - may undermine the work of the CMP by dissuading or discouraging witnesses from coming forward to share important information that may help to find further remains. Furthermore, pointing to perpetrators without a broader framework of peace is believed to run the serious risk of deepening each community's perception of the other as the aggressor, with the danger of triggering retaliations and revenge killings. However, the CMP's mandate does not extend to understanding who committed the murders, or the even broader question of why the conflict occurred.

The assumption that demands for justice will jeopardize the ongoing peace process in Cyprus is at the root of concerns about transitional justice mechanisms. We have tried to underline that justice demands cannot be postponed until an indeterminate future after a peaceful settlement. While the international community and domestic actors wait for the completion of a peace plan to engage in justice efforts, ongoing legal cases at both the domestic and European level are creating precedents and counter-precedents, which are also increasing tension between the communities. In the meantime, there are measures that can be taken, and approaches that can be designed to fit the current context both in the case of waiting for a solution, and in the case that a settlement fails to materialize. Rather than threaten the peace process, transitional justice approaches could help build civic trust and strengthen the chances for peace on the island.

There is much talk in Cyprus about truth commissions, pro and con. If truth commissions or historical commissions of enquiry are supported by decision-makers and civil society, concerns can be allayed by underlining the fact that there are different types of truth commissions or panels of historical enquiry around the world and, should it be viewed as necessary, Cyprus would structure its commission in line with its own specific needs. In light of the fact that the CMP will not be able to find all, or even most, of the remains of the missing,

a model aiming to uncover the truth about individual human rights violations focusing on victims warrants further discussion.

The efforts of people like Sevgül Uludağ, Andreas Paraschos, Tony Angastiniotis and Panicos Chrysanthou, as well as institutions like the Bicomunal Initiative of Relatives of Missing Persons and Victims of Massacres and War, the Turkish Cypriot Human Rights Foundation, the PRIO Cyprus Centre, and the Association for Historical Dialogue and Research are of crucial importance, and these individuals and organizations need to be applauded for creating such a fundamental shift in public debate towards a less nationalist, less divisive rhetoric.

However, there is still much more to be done on the way to an honest reckoning with the past and an acknowledgment of the victimization on both sides of the conflict. Cypriots need to claim responsibility for their tragic past. This does not absolve external actors such as Britain, Greece and Turkey of their grave responsibility in creating, further deepening the conflict and consequently dividing the island. Yet there is a need to attribute agency to the Cypriot actors, who were not passive instruments of external powers. Cypriots set up nationalist organizations like TMT, EOKA, and EOKA-B. Cypriots also participated in massacres, rapes, and torture against members in both their own community and the other's.

Acknowledgement and responsibility must be taken by Cypriots for their role in creating and perpetuating the legacy of violence that has been left in the country. Just as Greek Cypriots need to understand and acknowledge the insecure, fearful and deprived existence Turkish Cypriots were condemned to between 1963 and 1974, Turkish Cypriots need to understand and acknowledge the heavy price paid by Greek Cypriots in 1974. Both communities have had their share of agony and suffering, and the mutual acknowledgement of their shared suffering may create a potential for reconciliation. Reconciliation itself needs to be reconceptualised as a long-term process rather than a neat endpoint.

In a context such as Cyprus where the peace process has been on-going, and the need to both uncover the truth about people missing, as well as to create alternative narratives that challenge hegemonic nationalistic self-victim/other-aggressor narratives about the past becomes increasingly urgent day-by-day, there are a limited number of options. With respect to truth seeking some of the options, which have been discussed within civil society in Cyprus include:

- an unofficial truth commission, run by civil society organizations without cooperation from Greek Cypriot or Turkish Cypriot politicians;
- an official truth commission, run cooperatively by politicians on both sides;
- an official, internationally sponsored truth commission, run under the authority of the EU or the UN, but involving official cooperation from both sides as well as from Greece and Turkey;
- two official truth commissions, one on each side of the conflict.

Experience from other conflicts reveals that official status is preferable to an unofficial status, as an official truth commission will have better access to official sources of information and increased security to undertake sensitive investigations. It is also more likely that an official truth commission's report and recommendations will receive more serious attention from authorities.

Were a truth commission to be considered a viable option for Cyprus, one among many possibilities that could also alleviate the concerns highlighted above may be setting up a 'narrow' fact-finding model aiming to uncover the truth about individual human rights violations, working in cooperation with the CMP. This could be particularly useful, given that to date only one-eighth of the missing persons have been returned to their families, and that it is most likely that the majority of the families of the missing will not be able to learn the fate of their loved ones. Such a fact-finding commission may have as its aim a focus on fulfilling the victims' right to know the truth about the fate of their missing loved ones. What this might also mean, depending on the political context, is the need to issue an amnesty to those people who perpetrated crimes or for the accomplices. The issue of amnesty and the existing proviso of temporary impunity from prosecution is a theme that is often discussed within the fact-finding community in Cyprus. However, any decision to offer impunity cannot be considered legitimate without broad and inclusive public discussion and consent, and in consideration of international law. Especially in the light of domestic sympathy towards amnesty, it must be stressed that there is an emerging international consensus against the issuance of amnesty under any conditions.

Another key issue is the legitimacy of the truth commission in both communities. Looked at from this perspective, the last option would seem the least preferable due to the problems it will invite regarding its legitimacy. If a broader commission is not an option, then the most realizable of the above possibilities may be an official, bi-communal truth commission or historical clarification commission, run cooperatively by politicians on both sides, or an official, internationally sponsored truth commission, run under the authority of the EU or the UN, but involving official cooperation from both sides.

While the debate around a truth commission has consumed significant attention, it is important to keep in mind that there are other approaches to dealing with the past. Justice efforts should not be postponed to an indeterminate future. Much attention needs to be devoted to transcending the way the issue of the missing has been ethnicized and manipulated over the years. The concern that justice efforts can undermine an ongoing peace process by bringing to the surface past animosities is understandable, however evidence in other contexts does not support this fear. On one level this perception needs to be altered by empowering such organizations to be able to press forward with their goals and in their own unique way. This means there is a pressing need to work closely with the Bicomunal Initiative. The work of the Bicomunal Initiative is laudable. However, the leadership should not leave such a heavy burden to a volunteer organization.

There are transitional justice approaches that can be implemented in the current conjuncture, and in absence of a settlement. If the assessment of the relevant actors is that there is not enough political will and societal support to establish truth commissions and initiate domestic prosecutions, then mechanisms such as documenting past abuses and bi-communal memorialisation projects become very important. Civil society actors need structural support to implement the work they are doing. In many cases, the realization of such projects, especially

in the case of memorialisation efforts, depends on the support of political decision makers. The political leadership in both communities and their advisors, or perhaps a committee at the technical level, should begin to think through strategies for dealing with the legacy of the conflict regardless of whether there is a solution or not. However, it would be politically easier to think this through under the umbrella of preparing for a unified, federal Cyprus. At the same time, key civil society actors should be in constant dialogue with political representatives so that these transitional justice mechanisms do not run the risk of being undermined by other agendas.

Finally, these efforts need to be linked with broader reconciliation efforts that have the potential to shift public debate from a divisive mindset to a mindset embracing a unified Cyprus. This can involve peace education, establishing bi-communal links between a wider set of sectors in the two communities that are not yet engaged in the reconciliation dialogue, deepening trade relations between the two communities, and focusing on introducing a pro-reconciliatory discourse in the media. The absence of an honest reckoning with the past, and not taking responsibility for crimes perpetrated by one's own community is arguably contributing to the 'righteous us' vs 'evil them' duality. Sadly, this failure also manifests itself in the rise of ethnic hatred and overt racism in Cyprus. As long as that idealized 'us' conception is kept above any criticism, people motivated by ethnic hatred and uncomplicated understandings of the past will increase the frequency and severity of racist attacks against not only members of the other community and members of their own community who do not agree with their opinions, but against anyone who is seen to be 'other', including and especially migrants and 'new' Cypriots. The cost, therefore, of not dealing with the legacy of the conflict in Cyprus is extremely high, and is spilling beyond the Greek Cypriot-Turkish Cypriot dynamic.

With the long-term goal of reconciliation and a stable society in mind, we recommend the following:

- The political leadership in both communities and their advisors should begin to think through strategies for dealing with the legacy of the conflict regardless of whether there is a solution or not. This could be implemented at the technical committee level.
- A coordinated effort should be made by the two communities' leaders to communicate the idea that a discussion about the legacy of violence does not threaten the peace process. This could take the form of a joint communiqué issued as part of the regular meetings held under the auspices of the UN Good Offices Mission. It could also be pursued as part of the monthly meetings held at Ledra Palace between the political party representatives under the auspices of the Slovak ambassador to Cyprus.
- Key media outlets on both sides should give voice to emerging debates about the past. Television shows should air the growing collection of feature films that challenge official narratives about the past, and show documentaries and discussions that deal with the legacy of the conflict.

-
- The CMP's work should be given a higher profile. Secondary school students should be taken on excursions to CMP laboratories, or there could be institutionalised visits to schools by the CMP's anthropologists and scientists.
 - Authorities should open their conflict archives to researchers and interested parties under the Freedom of Information Act.
 - The EU should increase structural and financial support of documentation projects, both small-scale and large.
 - The policymaking community should continue to encourage reflective memorialisation efforts.
 - Memory tours like those conducted by the AHDR should be included as school group excursions on both sides of the dividing line.

BIBLIOGRAPHY

- Aksoy, Murat. 'Kıbrıs'ta sorun: Geçmişle yüzleşememe' [The Key Problem in Cyprus: Inability to Come to Terms with the Past]. *Yeni Şafak*, 15.05.2008.
- Arthur, Paige. 'Identities in Transition: Challenges for Transitional Justice in Divided Societies'. PRIO Cyprus Annual Conference on *Learning from Comparing Conflicts and Reconciliation Processes: A Holistic Approach*. Nicosia, 18-20 June 2009.
- Paige Arthur, Paige. 'How "Transitions" Reshaped Human Rights: A Conceptual History of Transitional Justice'. *Human Rights Quarterly*, vol.31. no. 2 (May 2009), pp.321-367.
- Bickford, Louis et. al. *Documenting Truth*. New York: International Center for Transitional Justice, 2008.
- Bryant, Rebecca. *Imagining the Modern: The Cultures of Nationalism in Cyprus*. London: I.B. Taurus, 2004.
- Bryant, Rebecca. *The Past in Pieces: Belonging in the New Cyprus*. Philadelphia: University of Pennsylvania Press, 2010.
- Boedeltje, Freerk et. al. 'The Shadow of No-Man's Land. Crossing the Border in the Divided Capital of Nicosia, Cyprus'. *Geographica Helvetica*, 62 (2007):16-21.
- Broszat, Martin. 'A Controversy about the Historicization of National Socialism'. *New German Critique*, 44 (Spring Summer 1988): 90-91.
- Chapman, A. et al. 'Thinking Historically about Missing Persons: A Guide for Teachers' (2012. available at http://www.ahdr.info/educational_materials.php (accessed 16 May 2012).
- Christodoulou, Artemis. 'Memorials and Transitional Justice'. In *Recommendation for the Report of the Sierra Leone Truth and Reconciliation Commission*.
- Dorfman, Ariel. 'Whose Memory? Whose Justice? A Meditation on How and When and If to Reconcile'. The Eighth Nelson Mandela Annual Lecture, 31 July 2010.
- Freeman, Mark and Priscilla B. Hayner. 'Truth-Telling'. In *Reconciliation After Violent Conflict*. Stockholm: International IDEA, 2003, pp.129-130.
- Freeman, Mark and Priscilla B. Hayner. 'The Truth Commissions of South Africa and Guatemala'. In *Reconciliation After Violent Conflict*. Stockholm: International IDEA, 2003.
- Hamber, Brandon, Liz Sevcenko and Ereshnee Naidu. 'Utopian Dreams or Practical Possibilities? The Challenges of Evaluating the Impact of Memorialization in Societies in Transition'. *The International Journal of Transitional Justice*, vol. 4, 2010.
- Hayner, Priscilla. 'Truth Commissions'. *Macmillan Encyclopedia of Genocide and Crimes Against Humanity*. Macmillan Publishers, 2004.
- Hayner, Priscilla. *Unspeakable Truths: Confronting State Terror and Atrocity*. New York: Routledge, 2001.
- Ignatieff, Michael. 'Articles of Faith'. *Index on Censorship*, vol. 25 no. 5, issue 172 (1996):.110-122.

- Jelin, Elizabeth. 'Public Memorialization in Perspective: Truth, Justice and Memory of Past Repression in the Southern Cone of South America.' *The International Journal of Transitional Justice*, vol. 1 2007.
- Johnson, Laurie. 'Reconciliation and Peace Education in Cyprus: What Will It Take?' *Cyprus Review*, vol.19:1 (Spring 2007): 17-41.
- Kadir, Djelal. 'Truth and Reconciliation on Cyprus will be Possible, when ...' *Cyprus Review*, vol.19:1 (Spring 2007): 163-169.
- Kaymak, Erol. 'Does Cyprus Need a Truth and Reconciliation Commission?' *Cyprus Review*, vol.19:1 (Spring 2007): 71-89.
- Ladisch, Virginie. 'The Challenge of Peacebuilding: Cypriot Views on Reconciliation.' *Cyprus Review*, vol.19:1 (Spring 2007): 91-108.
- Landsman, Stephan. 'Alternative Responses to Serious Human Rights Abuses: of Prosecution and Truth Commissions.' *Law and Contemporary Problems*, vol. 59:4 (Autumn 1996): 81-92.
- Lind, Jennifer. *Sorry States: Apologies in International Politics*. Ithaca: Cornell University Press, 2008.
- Loizides, Neophytos. 'Ethnic Nationalism and Adaptation in Cyprus.' *International Studies Perspectives* 8 (2007): 172-189.
- Loizos, Peter. *Unofficial Views, Cyprus: Society and Politics*. Nicosia: Intercollege Press, 2001.
- Mallinder, Louise. 'Can Amnesties and International Justice be Reconciled?' *The International Journal of Transitional Justice*, vol. 1 (2007): 208-230.
- McGee, Teresa Rhodes. *Transforming Trauma: A Path Towards Wholeness*. New York: Orbis Books, 2005
- Mejia, Robin. 'Digging Guatemala: Anthropologists Look for Clues to Past Political Killings.' *Scientific American*, 23 March 2009. Available at <http://www.scientificamerican.com/article.cfm?id=anthropologists-study-political-killings> (last accessed 4 October 2011).
- Molyva, Demetra. 'Synod calls for rejection.' *Cyprus Weekly*, 23-29 April 2004.
- Molyva, Demetra. 'Archbishop reverts to militant tone in Easter message.' *Cyprus Weekly*, 3 April 2010.
- Orentlicher, Diane. *Promotion and Protection of Human Rights*. Independent Study on Best Practices, Including Recommendations, to Assist States in Strengthening their Domestic Capacity to Combat all Aspects of Impunity. UN DOC E/CN.4/2004/88.
- Papadakis, Yiannis. *History Education in Divided Cyprus: a Comparison of Greek Cypriot and Turkish Cypriot Schoolbooks on the 'History of Cyprus'*. Nicosia: PRIO REPORT 2/2008.
- Papadakis, Yiannis. 'Narrative, Memory and History Education in Divided Cyprus: A Comparison of Schoolbooks on the "History of Cyprus".' *History and Memory*, vol.20:2 (Fall/Winter 2008):128-148.
- Psaltis, Charis. 'Trust, Contact and Identities in the Turkish Cypriot and the Greek Cypriot Community'. Paper presented at the conference on *Rethinking Reconciliation and Cooperation with View to Reunification in Cyprus: Challenges for Citizens, Political and Social Actors*, 20-21 June 2008, University of Nicosia.
- Roht-Arriaza, Naomi and Javier Mariezcurrena. *Transitional Justice in the Twenty-First Century: Beyond Truth versus Justice*. Cambridge: Cambridge University Press, 2006.
- Rotberg, Robert. 'Apologies, Truth Commissions, and Intrastate Conflict'. In *Taking Wrongs Seriously: Apologies and Reconciliation*, edited by Elazar Barkan and Alexander Karn. Stanford: Stanford University Press, 2006.

- Rotberg, Robert I. 'Truth Commissions and the Provision of Truth, Justice, and Reconciliation'. In *Truth v. Justice*, edited by Robert I. Rotberg and Dennis Thompson. Princeton: Princeton University Press, 2000.
- Sancar, Mithat. *Geçmişle Hesaplaşma, Unutma Kültüründen Hatırlama Kültürüne* [Coming to Terms with the Past, from the Culture of Forgetfulness to a Culture of Remembrance], Istanbul: İletişim, 2007.
- Sant Cassia, Paul. *Bodies of Evidence: Burial, Memory and the Recovery of Missing Persons in Cyprus*. New York and London: New Directions in Anthropology, Berghahn Books, 2005.
- Saygılı, Abdurrahman. 'Kıbrıs'ta Geçmişle Hesaplaşmak Mümkün mü? Bir Olanak(sızlık) Olarak Kayıp Kişiler Komitesi' [Is it possible to come to terms with the past in Cyprus? Committee of Missing Persons as an (im)possibility]. *Kıbrıs Yazıları, Sayı 3 / Yaz-Güz 2006*.
- Seils, Paul. 'Restoring Civic Confidence through Transitional Justice'. In *The Role of Courts in Transitional Justice*, edited by Almqvist and Esposito. Routledge, 2012.
- Seils, Paul. 'A Promise Unfulfilled? The Special Prosecutor's Office in Mexico'. June 2004, available at www.ictj.org.
- Seils, Paul and Marieke Wierda, 'Basic Considerations of Domestic and Hybrid Prosecution Initiatives'. Paper prepared for the Office of the High Commissioner For Human Rights. Nicosia: ICTJ Transitional Justice Workshop, September 2004.
- Sitas, Ari., *The Ethic of Reconciliation*, Madiba Publishers, Durban, 2008
- Sontag, Susan. *Regarding the Pain of Others*. New York: Picador, 2004.
- Teitel, Ruti. 'The Transitional Apology'. In *Taking Wrongs Seriously: Apologies and Reconciliation*, edited by Elazar Barkan and Alexander Kahn. Stanford: Stanford University Press, 2006.
- Theodolou, Jacqueline. 'Education minister seeks to play down schools furore'. *Cyprus Mail*, 10 September 2008.
- Triantafyllides, Michalis. Letter to Paul Wurth, third member of CMP in Cyprus. Document A.G.62/83/V, 2 August 1990.
- Trimikliniotis, Nicos. 'Reconciliation and Citizenship in Cyprus: A Trans-Communal Concept for Social Action'. *Cyprus Review*, vol. 19:1(Spring 2007): 13-15.
- Uludag, Sevgül. *Oysters with the Missing Pearls* Nicosia: IKME, 2006.
- Uludağ Sevgül. *İncisini Kaybeden İstiridyeler* [Oysters with the Missing Pearls]. Nicosia: IKME-BİLBAN, 2005.
- Uludag Sevgül. 'Nationalism is a sin and the Greek Cypriot Orthodox Church has committed this sin'. *Yeniduzen*, 15 April 2003.
- United Nations Commission on Human Rights. *Report of the Independent Expert to Update the Set of Principles to Combat Impunity, Diane Orentlicher*. 8 February 2005, E/CN.4/2005/102.
- United Nations. 'Question of the impunity of perpetrators of human rights violations (civil or political)'. UN Doc E/CN/Sub.1/1997/20/Rev.1, Oct. 2, 1997.
- Volkan, Vamik. 'What Some Monuments Tell Us About Mourning and Forgiveness'. In *Taking Wrongs Seriously: Apologies and Reconciliation*, edited by Elazar Barkan and Alexander Kahn. Stanford: Stanford University Press, 2006.

Volkan Vamik. *Killing in the Name of Identity, a Study of Bloody Conflicts*. Virginia: Pitchstone Publishing, 2006.

Yakinthou, Christalla. 'Drowning the Second Twin: the Relationship Between Truth and Reconciliation in Cyprus'. Forthcoming 2012.

Yakinthou, Christalla. *Political Settlements in Divided Societies: Cyprus and Consociationalism*. London, Palgrave Macmillan Publishers, 2009.

Young, James E. *At Memory's Edge: After-Images of the Holocaust in Contemporary Art and Architecture*. Yale, Yale University Press, 2002.

Zetter, Roger. 'Reconceptualizing the Myth of Return: Continuity and Transition Amongst the Greek Cypriot Refugees of 1974'. *Journal of Refugee Studies*, vol. 12, no. 1, 1999.

Newspaper articles:

'Maintaining the status quo has become the objective', *Cyprus Mail*, 29 August 2010.

'Anticipating failure before intensive talks even begin', *Cyprus Mail*, 9 September 2010.

'DIKO final word on property due next week', *Cyprus Mail*, 29 September 2010.

'Kayıplar için 2 milyon avro' [Two Million Euros for the Missing Persons]. *Vatan*, 17, November 2009.

Websites:

Healing Through Remembering, www.healingthroughremembering.info

'Investigating the Future: An In-depth Study of Public Opinion in Cyprus', *International Peacebuilding Alliance*, 2010. www.cyprus2015.org.

<http://www.sitesofconscience.org/sites/villa-grimaldi/en/> accessed at 3 February 2010.

<http://www.districtsix.co.za/frames.htm>, accessed at 1 February 2010.

<http://www.ictj.org/en/tj/138.html> accessed at 2 February 2010.

<http://www.ictj.org/en/where/region1/625.html> accessed on 3 February 2010.

www.cmp-cyprus.org

Documentaries and films:

Tony Angastiniotis, 'Voices of Blood II: Searching for Selden', 2005.

Panicos Chrysanthou and Niyazi Kızılyürek, 'Our Wall', 1993.

Panicos Chrysanthou, 'Akamas', 2009.

Panicos Chrysanthou and Dervis Zaim, 'Parallel Journeys', 2004.

Dervis Zaim, 'Shadows and Faces', 2011.

Further resources:

To learn more about international tribunals, see:

ICTY

<http://www.icty.org/>

ICTR

<http://www.unicttr.org/>

ICC

<http://www.icc-cpi.int/Menus/ICC>

The report can be ordered from:
PRIO Cyprus Centre
P.O.Box 25157, 1307 Nicosia, Cyprus
Tel: +357 22 456555/4
priocypruscentre@cytanet.com.cy



This report can be downloaded from: www.prio.no/cyprus

In Cyprus, the past is an area of both remembering and forgetting. For many years, particular issues such as missing persons, accountability, and perpetration of crimes have been covered by heavy clouds of taboo and limited information. Issues like involvement in the events that led to the coup and military intervention in 1974, as well as responsibility for acts of violence, have been carefully constructed to perpetuate hegemonic narratives about the past in both the Greek Cypriot and Turkish Cypriot communities. This report focuses on the importance of creating a bicomunal discussion in Cypriot public opinion about coming to terms with the past in Cyprus. In that respect, it aims to elaborate the opportunities and constraints of four particular areas of transitional justice that are relevant to Cyprus: truth-seeking initiatives, criminal prosecutions, memorialisation efforts, and documentation projects. While Cyprus can draw on the experiences of other contexts in its journey to come to terms with the past, transitional justice approaches cannot be imported from one context to another. Instead any transitional justice approaches that will be developed in Cyprus will be shaped as a result of the particular demands of victims and civil society, as well as the conflict context and the local political realities.

The report can be ordered from:
PRIO Cyprus Centre
P.O.Box 25157, 1307 Nicosia, Cyprus
Tel: +357 22 456555/4
prio-cypruscentre@cytanet.com.cy

This report can be downloaded from: www.prio-cyprus-displacement.net

ISBN: 978-82-7288-441-2



The report was funded by the European Union as part of the project 'Truth-Seeking and Trust-Building in Cyprus' implemented by ICTJ.

ICTJ | 10 years

