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# Cypriot Cultural Heritage: the case of The Frescoes of Panagia Apsinthiotissa

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A thesis submitted for the degree of

***Master of Arts (MA) in Art, Law and Arts Management***

February 2019

Thessaloniki – Greece

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I hereby declare that the work submitted is mine and that where I have made use of another's work, I have attributed the source(s) according to the Regulations set in the Student's Handbook.

February 2019

**Abstract:** This dissertation was written as part of the Master of Arts (MA) in Art Law and Arts Management at the International Hellenic University.

This paper is devoted to the case regarding the four Cypriot Byzantine frescoes that came to the possession of the NGO Walk of Truth and its founder Mrs. Tasoula Hadjitofi in 2014 and what ensued until their return.

The case record will unfold into chapters of chronological order that will examine the details of the stances of the corresponding sides and the semantics of their professional, legal and diplomatic approach in regard to this case. Even though it is denied by some parties in their official statements; that there is a dispute between the State and the Church, the claims made by the State in this particular case creates a de facto dispute that to this day remains unresolved and undeclared.

First and foremost I would like to thank Mrs. Tasoula Georgiou-Hadjitofi for the trust and faith she put in myself and my wish to devote my thesis on this case of hers and the confidence she showed in entrusting me and providing me with delicate information and material in order to assist me on my journey. I truly hold her in high regard and admire her spirit and sense of responsibility.

I also want to thank my supervisor Dr. Irini Stamatoudi who has been very supportive during this endeavor. In the time I spent under her tutelage I learned a lot and have come to respect her greatly as a teacher, as a lawyer and as a person.

I want to thank the people I interviewed while doing my research, Dr. Christodoulos Hadjichristodoulou, Bishop of Neapolis Porfyrios, father Savvas, Dr. Ioannis Eliades, Dr. Stelios Perdikis, Mr. Kostas Katsaros, Mr. Theodoris Kontakos and Metropolitan of Vostra Timotheos, who took the time to assist me in gathering information and material for this thesis.

Finally, I have the outmost reverence for the broader institution that is the Church that goes beyond its religious teachings, especially its cultural, educational and historical contribution to the people of Cyprus; an appreciation I owe to my beloved grandfather, father Konstantinos, who never ceases to offer lessons of piety, honesty, humility and wisdom. This has been proven to me beyond expectation by the high regard and esteem he is held by notable people in the Church. This thesis is dedicated to him.

### **Keywords**

“Dept.” means the Department of Antiquities

“Director” means the Director of the Department of Antiquities

“WoT” means Walk of Truth

## Preface

The original first chapters of this dissertation were dedicated to an extensive account of the cultural wealth of Cyprus, the prosecution of the Church and its clergy throughout history and its significance in past and modern Cypriot history, a record of the looting of Cypriot cultural heritage that occurred under several colonizers, and the Cypriot issue created with the Turkish invasion of 1974. These chapters proved to be enormously long to be included in this dissertation and had to be left behind. In any case I'll be including some of the bibliography used for the material as I deem it important to truly grasp the meaning of this case.

The case of the Four Frescoes came about after personally meeting with Mrs. Tasoula Hadjitofi, in early October 2018, and a candid conversation about restitution cases and the hurdles of bureaucracy that often appear and hinder the process while, at the same time, dealing with the dogged forces of the illicit art trade world. The offer to dedicate this study to the case of the Four Frescoes appeared circumstantially after our expressed mutual interest in accounting this peculiar and important story.

In order for the accounting of the story to be accurate and backed up with facts, Mrs. Hadjitofi and the Walk of Truth organization had agreed in providing me with any source and material available to their archives asking only for confidentiality and attribution. This endeavor would not be possible without their contribution. The material provided by Walk of Truth was used for constructing the account of the case and thus shall be attributed but not included in the bibliography.

By the end of this paper it will be clear that all sides stand by their positions firmly and confidently with their arguments finding legal backing even in ambiguity. This murkiness is an indication of poor case law and a history of irregular conducts that occurred based on practical agreements in the past between the parties involved rather than by following a clear and legally established direction. The numerous critical errors shall be displayed by providing a detailed, step-by-step analysis of the correspondence of the conflicting sides that reveal the difficulties in the practicality of repatriation of Cypriot cultural heritage and expose the politics that further burden this field on a national level. This evidence can in fact become a guideline for dos and don'ts in future cases. The ultimate goal of any criticism must be to ignite a constructive and honest discourse regarding any of the issues arising from this case, which are not limited to the ownership dispute alone.

The system that operates around the technocratic process of repatriations of Cypriot cultural heritage expands and brings the bureaucratic and diplomatic aspects in intersection which can create a perplexed situation that often hinders the whole process. For this reason this paper focuses on the correspondence between, mainly,

Walk of Truth and the Cypriot State by using archival material in order to elaborate on the hurdles that can arise in cases of conflicting standpoints and the importance of diplomacy, given both sides proceed with full confidence in the righteousness of their position especially in instances of lacking case law. All sides acknowledge each other and understand the Law.

Since I am not a trained lawyer and given the limited case law on the issue of ownership over antiquities in Cypriot Law the Chapter dedicated on the legal aspect of this case and its surrounding dynamics is reduced.

During this paper my research also took me to other cases, older and current, that led me to an encounter with the ethical issue regarding the purchasing of cultural objects from unlawful possessors, and other questionable sources, as well as undisclosed agreements between buyers and sellers. This issue seems to be of dire need to be examined and openly discussed. The standpoints of people involved on this particular matter seem to be contradicting to the overall philosophy and morality on the return, protection, preservation and promotion of cultural heritage, and reveal an alarming ignorance on the broader scale of such practices; a subject that I intend on revisiting after the conclusion of this dissertation.

Given the amount of material that describes the structure of the opinions of the parties involved I have included a substantial part of the paper in the Appendix which is consisted mostly by interviews and speeches of key persons. I encourage every reader to give as much attention to the Appendix as the main body of the dissertation in order to truly grasp the essence of the people involved in the case.

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## 1 Introduction

Ἄτρεΐδης δ' ἐβόησεν ἰδὲ ζώννυσθαι ἄνωγεν  
Ἄργείους· ἐν δ' αὐτὸς ἐδύσετο νώροπα χαλκόν.  
κνημίδας μὲν πρῶτα περὶ κνήμησιν ἔθηκε  
καλὰς ἀργυρέοισιν ἐπισφυρίοις ἀραρυίας·  
δεύτερον αὖ θώρηκα περὶ στήθεσσιν ἔδυνε,  
τόν ποτέ οἱ Κινύρης δῶκε ξεινήϊον εἶναι.  
πεύθετο γὰρ Κύπρον δὲ μέγα κλέος οὔνεκ' Ἀχαιοὶ  
ἐς Τροίην νήεσσιν ἀναπλεύσεσθαι ἔμελλον.<sup>1</sup>

And thus *Cyprus* (Κύπρος) is attested in Homer's *Iliad* (Λ 21) for the first time and shall remain as such hereinafter in history.<sup>2</sup>

Cyprus has been a cradle of culture for around twelve thousand years. Its strategic location, pinpointed at the crossroads of three continents; Europe, Africa and Asia, was always a desirable trait that the great civilizations of the region sought after and has been a catalyst for the island's historical significance and cultural wealth. Since the Greek tribes from Arcadia reached the island around the end of 13<sup>th</sup> century BC, it propels the Cypriot culture to an enormously rich cultural journey through the millennia. Throughout the centuries, Cyprus has been conquered many a time, each time leaving an ineffaceable mark.

Due to this, its cultural heritage is one of the richest in the world. It also brought a great deal of suffering and despair to the people of Cyprus who had to endure the oppression of captors time and time again as well as the looting of its treasures; the Romans, the Genoese, the Knights Templar, the English Crusaders, the Arabs, the Ottomans, the modern British colonizers, and today's Turkish invaders of 1974. Nevertheless the resilience of the Greeks of Cyprus is a testimony of a people that has deep roots, a strong identity and an unbent will for survival. A testament to the persistence of the Greek element on the island is the decisive role of the Church of Cyprus and the heroic clergy whose many sacrifices, against prosecution in the times of Roman, Frankish, Venetian, and Ottoman rule, has been a beacon of hope and leadership for the people of Cyprus, and ensured the preservation of the Greek Orthodoxy and the Greek identity of the islanders of Cyprus.

### **The Turkish Invasion of 1974 and the illicit art trade in occupied Cyprus**

In 1974, Turkey invaded Cyprus taking over 37% of Cypriot soil and driving out 200,000 Greeks of Cyprus from their ancestral homes, enforcing ethnic cleansing policy. At the same time Turkey organized a conversion of the occupied area to the Turkish element by mass descending of Turkish settlers from mainland Turkey, the demographic distortion of the area, the replacement of the aboriginal toponyms

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<sup>1</sup> Homer's *Iliad*, rhapsody 11, verse 15 – 22, Agamemnon, King of Mycenae and leader of the Greek forces against the Trojans calls the troops to get ready for battle, he proceeds to put on his armor; Homer makes a reference of his chest armor being a gift of King Cinyras from when Agamemnon visited Cyprus before going to Troy.

<sup>2</sup> Eguklopaideia, Greek History, "Cyprus",  
<http://users.sch.gr/aiasgr/Eguklopaideia/Kupros/Kupros.htm>

with Turkish ones, and the extermination of every element referring to the Greek cultural identity of the island. Cities and villages in the occupied area were given Turkish names and a systematic attempt of de-Christianization of the north took place resulting in Churches being converted to mosques, converted to public toilets, barns for animals. The last ten years new mosques are constantly built particularly in strategic locations such as opposite Churches which hold the center of each village. Since the very beginning, an organized crime ensued for the looting of archeological areas, museums and libraries which found their way to the international market. Over five hundred churches were pillaged and vandalized or suffered all kinds of abnormal usages. More than 20,000 icons, hundreds of sacred vestments and manuscripts, mosaics were fragmented and sold abroad, while others were completely destroyed.

The uncontrolled situation in the Turkish-occupied north of Cyprus after 1974 has fostered the development of a network of dealers in illicit antiquities whose aim was to sell out the cultural heritage of Cyprus and wipe out any traces of Greeks or Christians in that part of the Island. With the encouragement and help of the Turkish army, the trade in illicit antiquities has brought great profit to those involved, and Cypriot treasures already adorn private collections in a number of countries including Turkey, Russia, Switzerland, Holland and the UK, and even as far as the US, Australia and Japan. However, one cannot remove blame from also the greedy possessors who bought Cyprus' treasures thus fueling demand and the international trade.

## **2 CHAPTER I: The case of the four frescoes**

### **2.1 Summary of the case**

In 2014 four frescoes came to the possession of Mrs. Tasoula Hadjitofi. Tasoula Hadjitofi, "The Icon Hunter," is renowned worldwide for her work combatting art trafficking. In 1997, she coordinated "The Munich Case," one of the largest art trafficking sting operations in European history since WWII.

In 1987, Mrs. Hadjitofi was appointed Honorary Consul of Cyprus in the Netherlands. Her inspiration to tackle art trafficking came when art dealers tried to sell her artifacts that were stolen from Cyprus, two of the Kanakaria<sup>3</sup> mosaics before they were sold to an American woman called Peggy Goldberg. This led to nearly three decades of tracking down leads from art dealers, detectives, and lawyers, to recover the stolen religious heritage of her motherland, in collaboration with FBI, Scotland Yard, Interpol and Europol she exposed the international networks of art dealers and

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<sup>3</sup> One of the longest and most important cases of Cypriot cultural heritage regarding four mosaics stolen from the church of Panagia Kanakaria in Lythragkomi, in the Turkish-occupied area of Cyprus. In 1989, the Autocephalous Greek Orthodox Church of Cyprus and the Republic of Cyprus traced the mosaics to Indiana and filed a judicial claim to obtain restitution. The United States District Court of Indiana ordered that the mosaics be awarded to the plaintiffs.

the way they conducted their businesses plus, her work exposed the legal loopholes for which she campaigned for improvement.

In 2011, Tasoula founded “Walk of Truth”, a non-governmental organization whose mission is to engage the public about the importance of protecting and preserving cultural heritage in areas of conflict. Walk of Truth receives anonymous tips from around the world about stolen artifacts<sup>4</sup> via a global network of volunteers, cultural crime watchers worldwide, CCWW, which watches the trade and reports to Walk of Truth.

The frescoes, after being examined by Dr. Papageorgiou, turned out to be fragments from the Monastery of Panagia Apsinthiotissa near Sihari<sup>5</sup> in the Turkish-occupied area of Cyprus. Since 1987, whenever Mrs. Hadjitofi was active for repatriation cases of Cypriot antiquities, she was informed by the Law Office of the Republic of Cyprus that the religious antiquities of Cyprus belong to the Church of Cyprus. Therefore, for each of her repatriation efforts, Mrs. Hadjitofi had a power of attorney from the corresponding Bishop or Archbishop. So it was natural that she contacted the Church of Cyprus this time as well, only to find out that the Church of Panagia Apsinthiotissa is actually the lawful ownership of the Patriarchate of Jerusalem and until today under its spiritual guidance. She contacted Metropolitan Timotheos of the Exarchate in Nicosia and informed him of the case. They agreed for the frescoes to be delivered to him and subsequently be placed and kept in the Exarchate in Nicosia. However when the Cypriot Department of Antiquities later found out about the frescoes in Mrs. Hadjitofi’s possession they contacted her and demanded for the four frescoes to be delivered to them, as they are the competent body (State) and legal owner of all “antiquities”, thus disputing the ownership status of the Church of Cyprus for ecclesiastical heirlooms or the Patriarchate of Jerusalem or any other organization or person for that matter. This claim from the Dept. of Antiquities spurred a dispute over lawful ownership from three entities; the Church of Cyprus, the Patriarchate of Jerusalem and the Department of Antiquities/State.

## **2.2 The Monastery of Panagia Apsinthiotissa**

The Monastery of Panagia Apsinthiotissa is located in the Pentadaktylos mountain range, a short distance from the village of Sihari in the province of Kyrenia. It is located south of the abbey of Bellapais and west of the Buffavento Castle, and is one of the most important monasteries of the Byzantine period in Cyprus. According to local tradition, the Monastery was named after a bush, the absinthia (wormwood) that covered very well the mouth of the cave in which a monk had hidden the icon of the Virgin Mary in order to save it from the destructive fury of the iconoclasts. Many years later, with the restoration of the icons, the inhabitants of the surrounding area saw a strange light shining from this point of the mountain. They found the icon and built a monastery in the name of the Virgin Mary just below the site. Other than the local tradition, there are no sources for the history of the Monastery except the ruins whose study places the foundation of the Monastery in the late 11th century. The Monastery of Panagia Apsinthiotissa is also known as the Monastery of Absinthia or just Psithia. During the Venetian Period the Monastery

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<sup>4</sup>Tasoula Hadjitofi, Walk of Truth, “The Icon Hunter”, <http://www.tasoulahadjitofi.com/about/>

<sup>5</sup> Cypriot village located in the Turkish-occupied area of Cyprus.

had a great amount of property which included the two neighboring villages, of Sihari and Vouno. During the years of Ottoman rule the Monastery lost its independence, and became a dependency of the Holy Sepulcher and a subordinate of the Monastery of Saint Chrysostom in Koutsoventis, located southeast of the Monastery. The church of the Monastery is the only hexagonal church in all of Cyprus, and was built in the late 11th century. During the late 14th century the church was ready to collapse, so internal supports and arches were built to support the dome and the apse. The dining room of the Monastery is unique in Cyprus, with measurements of 20 by 5 and leads to an apse, as are usually the dining rooms of Byzantine monasteries. The Monastery has also murals dating to the 12<sup>th</sup> – 14<sup>th</sup> century. The frescoes were destroyed after the Turkish invasion of 1974. The icons of the monastery were stolen. The church of the Monastery had been converted into a stable for animals and parts of the frescoes decorating the church which were brutally removed were identified in the antique markets of Europe. Today the church of the Monastery of Panagia Apsinthiotissa is all but destroyed.<sup>6</sup>

I had the opportunity to personally visit the Monastery and take pictures.



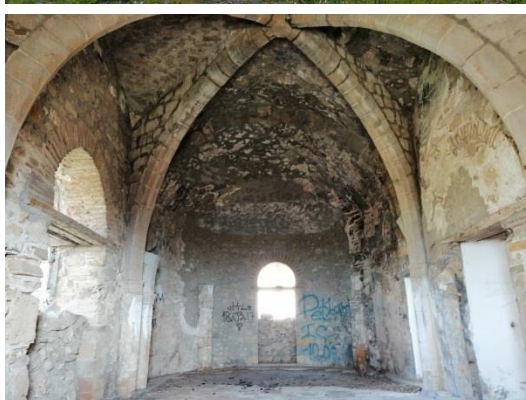
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<sup>6</sup> Exarchate of the Holy Sepulcher, “The Monastery of Panagia Apsinthiotissa in Turkish occupied Sihari village”,

[http://www.exarhiaptcy.com/index.php?option=com\\_content&view=article&id=52&Itemid=60](http://www.exarhiaptcy.com/index.php?option=com_content&view=article&id=52&Itemid=60)

<sup>7</sup> Image1©, picture from the North-East of the church of Panagia Apsinthiotissa, 29.01.19





<sup>8</sup> Image2©, picture of the monastery hall chamber North of the church, 29.01.19

<sup>9</sup> Image3©, picture of the Eastern inside part of the temple, 29.01.19

<sup>10</sup> Image4©, picture from the North-West side of the church 29.01.19

<sup>11</sup> Image5©, picture of the Western inside part of the temple, 29.01.19

<sup>12</sup> Image6©, picture of the South entrance inside of the temple, 29.01.19

### 2.3 The four frescoes

Dr. Athanasios Papageorgiou, former Director of the Department of Antiquities, personally examined the frescoes and determined that two of them date to the second half of the 12<sup>th</sup> century come from the Monastery of Panagia Apsinthiotissa, in the Kyreneia District. The other two frescoes were found to be Byzantine Cypriot but could not be determined from which Chapel they had been removed from at the time.

Dr. Papageorgiou, in his verdict, wrote for the first fresco piece – “Segment from the fresco of Pieta on the eastern wall of the Narthex of the Catholicon (temple) of Panagia Apsinthiotissa Chapel. It depicts the Mother of God holding the hand of the dead Christ to embrace it, 12<sup>th</sup> century (see A. Papageorgiou, Christian Art in the Turkish occupied part of Cyprus, p. 441, image 2).” (*Image8*)

For the second fresco piece he wrote – “Segment from the fresco of a Martyr on the eastern wall of the Narthex of the Catholicon of Panagia Apsinthiotissa Chapel, near Sihari. This fresco was below the fresco depicting ‘Christ drawn to the Cross’ on the northern end of the eastern wall and dates to the 12<sup>th</sup> century (see aforementioned source, image 1).” (*Image7*) (*Appendix1*)

Should be noted that Dr. Papageorgiou had visited the monastery prior to the Turkish invasion of 74’ and his testimony “The Monastery of Apsinthiotissa” was published in 1963 EETAK, p. 73-78.

The remaining two frescoes could not be completely identified at the time. (*Image9*, *Image10*)





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<sup>13</sup> Image7, "Martyr", courtesy of Walk of Truth Archives



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<sup>14</sup> Image8, "Deposition", courtesy of Walk of Truth Archives



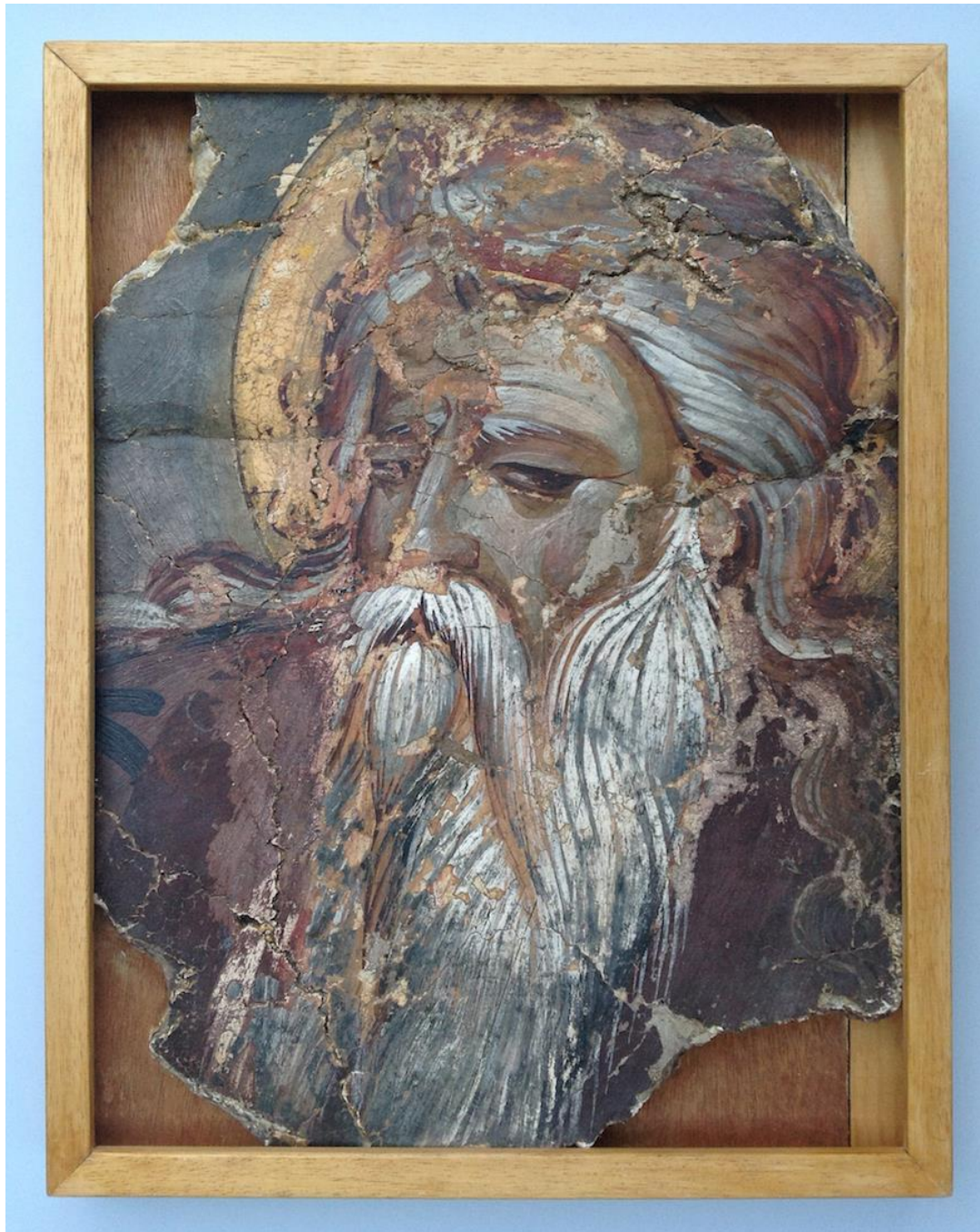


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<sup>15</sup> Image9, "Unknown", courtesy of Walk of Truth Archives





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### 3 CHAPTER II: The Account of the case – Phase One: Initial contacts

Acting on a tip from the antiquities trade, Tasoula Hadjitofi approached a Canadian collector informing him that his frescoes were looted. Mrs. Hadjitofi didn't know exactly what he had in his possession. Being a Cypriot herself and a refugee she tried to bring the agony of the Cypriot people to this collector and after being

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<sup>16</sup> Image10, "Unknown", courtesy of Walk of Truth Archives

informed, the collector/possessor (who shall remain anonymous) was indeed willing to co-operate. The collector and Mrs. Hadjitofi never met in person. In 2014 the collector sent the frescoes by FedEx in a hotel room in London, under the name of Tasoula Hadjitofi, requesting for Mrs. Hadjitofi to undertake the task of delivering them to their lawful owner herself and for [the collector's] anonymity to be protected. It is noteworthy how such sensitive and valuable objects passed through Customs without being noticed.

Given the bad condition of the frescoes Mrs. Hadjitofi deemed urgent that she requests the opinion of an expert on the field concerning the first-aid restoration process of the artefacts, and subsequently the proper packaging details in order for them to be transported safely. The conservator, that offered his services pro bono, was Laurence Morocco, who had previously assumed the role of conservator of the frescoes of St. Themonianos (one of the biggest cases concerning Cypriot cultural heritage) at Menil Foundation, in Houston, in the late 90's. The process took place at a London lab. Mrs. Hadjitofi personally took care of all financial obligations regarding the conservation, transportation and safekeeping of the frescoes. The aim of this "first aid" for the frescos was to stabilize them for transport rather than restore them.

Dr. Papageorgiou was called upon and personally examined the frescoes and determined that two of them come from the Monastery of Panagia Apsinthiotissa. The other two frescoes were found to be Byzantine Cypriot, around 12<sup>th</sup> century, but could not be determined from which church they had been removed from.

Following the verification of the origin of the frescoes Mrs. Tasoula Hadjitofi and the WoT contacted the Church of Cyprus in order to determine under whose jurisdiction the Monastery of Panagia Apsinthiotissa was. As it turned out the Monastery's owner was the Patriarchate of Jerusalem, which is represented by the Exarchate of Holy Sepulcher, in Nicosia, under Metropolitan of Vostra Timotheos. Mrs. Hadjitofi contacted Metropolitan Timotheos, after Bishop Vasilios of Famagusta made the introductions, to inform him of the findings. Metropolitan Timotheos expressed his wish for the frescoes to arrive in Cyprus and be delivered to him. The Bishop gave Mrs. Hadjitofi permission to present the frescoes in the House of Lords for the purposes of an event with the title «Blood, Treasure and Islamic state: War, Extremism and the Looting of Culture»<sup>17</sup>. (*Appendix2*)

### **House of Lords event – “Blood, Treasure and Islamic state: War, Extremism and the Looting of Culture”**

This event was presented by Baroness Elizabeth Berridge in partnership with Walk of Truth at the Cholmondeley Room & Terrace<sup>18</sup>. Tasoula Hadjitofi presented the four looted frescoes as a result of a WoT initiative to attract anonymous tips

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<sup>17</sup> Blood, Treasure and Islamic state: War, Extremism and the Looting of Culture, <https://archaeologynewsnetwork.blogspot.com/2014/12/12th-century-cypriot-looted-frescoes.html#B90DRKxB0JrxVzE.97>

<sup>18</sup> Cholmondeley Room & Terrace, House of Lords venue, <https://www.parliament.uk/visiting/venue-hire/lords/hire-your-venue/cholmondeley-room/>

regarding the whereabouts of stolen cultural artifacts and spoke about the freedom of praying and how looting religious antiquities deprives Christians of the exercise of their faith.

The main theme of the presentation focused on the magnitude of the looting and destruction of cultural heritage that is taking place in areas of conflict like Syria and Iraq.

Speakers included Lady Berridge, who chairs the All Party Parliamentary Group for International Freedom of Religion or Belief, Prof. Dr. Willy Bruggeman, former Europol director and chairman of the board of the federation of Belgian police, Baron Serge Bremmers prosecutor of the International Court of Former Yugoslavia, famous lawyer from UK, Prof. Norman Palmer known worldwide for his work for Nazi looted art, David Burrowes, former MP of Enfield and Tasoula Hadjitofi on behalf of the WoT organization attended by 250 distinguished Lords, Barons and Politicians.

The event and its speakers committed to lobby within the UK government for these legislation changes by forming an all Party Parliamentary Group for the protection of cultural heritage for which, WoT would hold the secretarial seat. It was a wider UK and global Call for Restitution of Cultural Heritage and the UK responded from the growing public pressure for action and on the 28<sup>th</sup> of October 2015 a Cultural Protection Summit hosted by FCO and DCMS with the announcement of a cultural protection fund and intention to ratify The Hague Convention.

After the initial assessment of the experts the exact origin of the other two frescoes remained unidentified. The images of the two unidentified frescoes were uploaded on social media networks, by the WoT, as part of a campaign aiming to attract any useful information about their origin or provenance. The campaign proved unsuccessful as it didn't achieve to gather solid evidence, only connoisseurs' conflicting opinions on the matter.

#### **4 CHAPTER III: Divergent views – the extended correspondence between Walk of Truth and the Department of Antiquities**

On the 14<sup>th</sup> of June, 2015, Nikos Argyrides; diplomat of the Cypriot Embassy in the Hague, Netherlands, contacted Mrs. Hadjitofi and the following day formally sent her an email from the Embassy informing her that the Department of Antiquities has asked for her to hire a professional photographer to take pictures of the frescoes and send them to the Dept. for further examination, aiming to identify the frescoes, especially those that hadn't been identified yet. Mr. Argyrides also informed her of the wish of the Director of the Dept., Dr. Marina Ieronimidou, to meet with her the next time she's in Cyprus and shared the Director's email for personal correspondence.

Mrs. Hadjitofi sent an email on the 19<sup>th</sup> to the Director introducing herself and describing her excellent relationship with Dr. Ieronimidou's predecessors. She explains how their contact was terminated when the Attorney's Office took over all cases related to repatriation and requested her, as a representative of The Church, to report only to them. As she hadn't been a consul since 1999, she had no formal way or obligation to report to the State other than to the Attorney.

"This information is just to make sure that you and your office understand that it is not due to an absence of willingness or concern that we had no direct contact to date. I welcome this introduction and I assure you that all involved in Walk of Truth will co-operate with your office where needed..."

She informed the Director that Dr. Papageorgiou had produced a written report of the origin of the two frescoes and expressed her willingness to transport the frescoes to their lawful owner who, she stated, is the Patriarchate of Jerusalem and the Exarchate in Nicosia, and grant him his expressed wish to host the frescoes in his Bishopric in Nicosia:

"[...On all my repatriations from 1987 to-date, I obtained power of attorney from the owner of the Church i.e., Bishops or the Holly Synod. In this particular case, I understand that the owner is not the Church of Cyprus but the Patriarch of Jerusalem. They have asked Walk of Truth to return the frescoes to them instead of the Church of Cyprus and they are absolutely adamant that the frescoes must not end up in the Byzantine museum. You can appreciate that this puts myself and my NGO in a very difficult position and we wish to deliver to the President but we must be absolutely sure that no claims will follow from potential other owners...]"

The professional pictures of the frescoes the Dept. had asked for were sent by Walk of Truth 6 days later. Mrs. Hadjitofi requested only for the Dept. to attribute Walk of Truth Archives or the photographer's name (who gifted them to Walk of Truth) in case the pictures are ever used for PIO<sup>19</sup> or publicity. She explains how it is vital to respect the wishes of donators (attribution) in order to retain good diplomatic relations with them and encourage further donations in the future.

### **The claim by the Department of Antiquities**

The Dept. replied on the 25<sup>th</sup> and the Director informed Mrs. Hadjitofi that under Law their Department is defined as the competent authority to handle cases regarding "antiquities" and states that according to the Antiquities Law all objects, as defined in the Article 2 of the Basic Law<sup>20</sup>, over 100 years old belong to the State and as the competent authority they have full responsibility and jurisdiction for everything that falls under this definition.

The Director then made reference to a body formed by the Department of Antiquities, with the approval of the Cabinet Committee, called "National

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<sup>19</sup> Press and Information Office

<sup>20</sup> Antiquities Law 2014 (N. 200(I)/2014), [http://www.cylaw.org/nomoi/arith/2014\\_1\\_200.pdf](http://www.cylaw.org/nomoi/arith/2014_1_200.pdf)



Commission for Combating the Prosecution and Trafficking of Cultural Heritage”<sup>21</sup> which handles these matters. This Commission had been established three months earlier on the 3<sup>rd</sup> of March, 2015<sup>22</sup>.

The Director requested from WoT any information regarding an illegal exportation they are required to immediately contact the Dept. as it is provided by law in order for them to handle the cases that arise according to national and international law, conventions, Memoranda of Understanding or agreements that are standing or Cyprus has concluded with other nations.

On the 29<sup>th</sup> Mrs. Hadjitofi replies with an email aiming to clarify the statement made by the Dept. and the State. Mrs. Hadjitofi explains in her email that the Dept.’s interpretation leaves room for one to interpret that this law effectively transfers ownership of churches, mosques, icons in Church-owned museums or private collectors or homes that are over 100 years old, to the State.

Mrs. Hadjitofi then asks for these clarifications so as for the lawyers of WoT to “make the contact with the right party”.

She additionally asks to know what is the position of the Church of Cyprus on this matter and if they are “aware of this law and its consequences to their properties”. She closes as follows:

“It is not Walk of Truth’s responsibility to solve your internal struggles for ownership but it is our responsibility to make sure when we deliver the artefacts, we offend nobody.”

The response from the Dept. of Antiquities came on the 1<sup>st</sup> of July. The Director referenced Mrs. Hadjitofi to the relevant legislation and informed her also that the amendment of The Antiquities Law regarding the interpretation of the term “antiquity” (Article 2 of the Basic Law) was made for the purposes of harmonization with The Return of Cultural Goods Law 2016<sup>23</sup> (N. 183(I)/2002) and according to the relevant Directives<sup>24 2526</sup> of the European Community where antiquities are defined as “over 100 years old”.

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<sup>21</sup>National Commission for Combating the Prosecution and Trafficking of Cultural Heritage [http://www.cm.gov.cy/cm/cm\\_2013/cm.nsf/B7C183CE8D73D0B6C2257E3C00397CFA/\\$file/78.406.pdf](http://www.cm.gov.cy/cm/cm_2013/cm.nsf/B7C183CE8D73D0B6C2257E3C00397CFA/$file/78.406.pdf)

<sup>22</sup> Sigma Live News, March 3<sup>rd</sup>, 2015, <http://www.sigmalive.com/news/local/211606/systasi-ethnikis-epitropis-gia-politistiki-klironomia>

<sup>23</sup> The Return of Cultural Goods Law (Greek), 2016, [http://www.cylaw.org/nomoi/enop/non-ind/2016\\_1\\_101/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2016_1_101/full.html)

<sup>24</sup> Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (Recast), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0060>

<sup>25</sup> Corrigendum to Directive 2014/60/EU of the European Parliament and of the Council of 15 May 2014 on the return of cultural objects unlawfully removed from the territory of a Member State and amending Regulation (EU) No 1024/2012 (OJ L 159, 28.5.2014), <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0060R%2801%29>

<sup>26</sup> Directive 2014/66/EU of the European Parliament and of the Council of 15 May 2014 on the conditions of entry and residence of third-country nationals in the framework of an intra-corporate transfer, <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32014L0066>

July 2<sup>nd</sup> Mrs. Hadjitofi replies by asking for further clarification:

“[...You stated in your first letter that the artefacts beyond 100 years belong to the State. This means that you are disputing/challenging the ownership title of the Church in the case of the religious artefacts movable or immovable. Are you also claiming that any private person or museum having artefacts beyond 100 years old become State ownership?

Words are very important when one deals with legal titles and I am trying to understand what are you claiming here. May be you are trying to tell me that any information anyone has around the world regarding stolen-looted artefacts from Cyprus must address to you for co-ordination purposes...].

[... Assuming information comes to you, you can co-ordinate authentication, advise on civil proceedings, criminal or alternative restitution, where needed invoke international treaties and co-ordinate repatriations. Is that what you mean your role and the committee's is?

Please be clear as to what are you telling me as your role to be [...] and be transparent with your response so we can move forward...]”

Mrs. Hadjitofi then asks a direct question for another clear statement regarding the lawful ownership of the frescoes and the position of Attorney General on the matter: “[...In short, do the two frescoes from Apsinthiotissa belong to The Church of Cyprus, Church of Jerusalem or The State? I will deliver to the President but with whom am I making the contract of transfer of title? Here is your first real challenge to solve as a committee so, lets solve it. What is the position of the attorney general on this issue?...].”

The Director responds on the 10<sup>th</sup> of August, 2015, and reiterates that the Dept. since its establishment in 1935 has been the sole competent authority for the management of antiquities as defined by and in accordance with the Antiquities Law of the Republic of Cyprus and as such there is no legal issue to resolve and asks Mrs. Hadjitofi to inform them of the date of transfer in order for them to assist her in their repatriation. No direct answer regarding the ownership status.

Mrs. Hadjitofi responded by asking for a meeting sometime before the 10<sup>th</sup> of September when she will be in Cyprus and asks for specific available dates. A meeting is initially set for the 2<sup>nd</sup> of September but eventually scratched due to the Director's unavailability.

Mrs. Hadjitofi later met with British MPs David Burrowes and Lady Berridge, in London, and all agreed to escort the frescoes and deliver them to the President of the Republic of Cyprus. A date couldn't be confirmed as the Dept. prevented Mrs. Hadjitofi and the MPs from delivering the frescoes to the President as it claimed ownership of the State over the frescoes. The delivery attempt was cancelled.

On the 30<sup>th</sup> November 2015 Boris Johnson, Mayor of London hosted at City Hall the launch of the All-Party Parliamentary Group for the Protection of Cultural Heritage co-chaired by Lord Colin Renfrew.

Boris Johnson said: “City Hall is working with the All-Party Parliamentary Group for the Protection of Cultural Heritage, the police, art dealers, auction houses and others both here and overseas in a bid to preserve and protect the world’s cultural heritage. London stands ready to provide a safe haven for the temporary storage of these irreplaceable artefacts until they can be returned to their home countries.”

After much political pressure, On 18<sup>th</sup> May 2016 there was a small Queens Speech but it included the Cultural Property Bill which was passed into law on 23<sup>rd</sup> February 2017 and then On 12<sup>th</sup> September 2017, the United Kingdom joined 128 other States in officially becoming party to the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict and its two Protocols.

David Burrows attributes this win partly to these frescoes: “they have played their part through Tasoula and the Walk of Truth in galvanizing the UK Government and Parliament to recognize the necessity of safeguarding of cultural heritage both at home and abroad.”<sup>27</sup>

A year later the case was brought to the table of Mayor Johnson once again, while organizing the APPG conference, for which the agenda is set by Walk of Truth. Mayor Johnson offered to accompany David Burrows to Cyprus and deliver the frescoes to the President. Mrs. Hadjitofi attempted to arrange a date to make this happen, but again this effort is tackled anew by the Dept. due to the ongoing ownership dispute.

In April of 2016, Mrs. Hadjitofi visited Cyprus along with Lady Berridge and offered again to bring the frescoes with her. Once more dates were not confirmed as the issue of ownership remained unresolved.

## **5 CHAPTER IV: Media attention and the national scale of the story**

On the 30<sup>th</sup> of January, 2017, Tasoula Hadjitofi sends an email to Nikos Christodoulides – MFA expressing her frustration in her unsuccessful efforts to repatriate the frescoes – “[...it seems I fall into circles amongst procedures and bureaucracy...]”. She makes mention of her meeting in Cyprus with the Patriarch of Jerusalem and his eagerness to be present when the frescoes arrive.

She then mentions that four British MPs will be visiting Cyprus and she’d like to join them and have them deliver the frescoes to the President, given that it is a sensitive matter she expresses her hesitancy to deliver them herself as to not upset one party or the other.

She proposes a meeting in the second half of March to escort the frescoes along with MP David Burrows, Lady Berridge and Lord Renfrew to the President. She adds – “[...Inform the Patriarch of the date for delivery and invite him or his representative

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<sup>27</sup> From the speech of David Burrows on the 21<sup>st</sup> of January, 2019, at the Cypriot Embassy in The Hague during the repatriation ceremony.



to attend. Let the Patriarch and the Archbishop to solve between them where will the frescoes go afterwards. Inform Dr. Ieronimidou to send somebody to pack etc. or get the Embassy to organize it. The later in March, the closer to Easter and that might be a good timing”.

In May 2018, a meeting was finally set between Mrs. Hadjitofi and the Dept. Mrs. Hadjitofi had asked for a meeting before the summer in the presence of all political parties. The Director did not grant that wish and received her in her office in the presence of Mrs. Pillidou and Mr. Giorgos Filotheos (curators of Antiquities of the Dept.). During the meeting, all three insisted that according to the law (amendment of the Antiquities Law with respect to the interpretation of "antiquity" (Article 2 of the Basic Law) was made for harmonization with the Return of Cultural Property Law (Law 183 (1) 2002) and according to the relevant European Community Directives, where archaeological objects are defined as "age over 100 years ") the frescoes belonged to the government, renouncing any claim of ownership by either the Church of Cyprus or the Patriarchate of Jerusalem.

The meeting was completely fruitless as nothing new was established.

On the 28<sup>th</sup> of August 2018, journalist Aristides Viketos, running an online news outlet in Nicosia, sent an open letter to Mrs. Vasiliki Anastasiadou, Minister of Transports, Communications and Works. He opens by giving a brief account of how the four frescoes came to the possession of Walk of Truth and Tasoula Hadjitofi, what transpired since, their presentation in the House of Lords. He then proceeds to ask the following questions and take position on the issue:

“Mrs. Hadjitofi, in accordance with the in-effect Cypriot and International law, which she defends, she was obligated to have returned the heirlooms, something that she, to my knowledge, has not yet done.

So there is a question about the actions of the Republic of Cyprus since the case came in the spotlight (2014) so that the frescoes can be repatriated, and what are the reasons why this has not yet happened?

As the political supervisor of the person responsible for this matter, the Department of Antiquities, you are, according to my humble opinion, the only one that could identify any obstructions to the repatriation of the frescoes, and overcome them.

It would be ironic for Mrs. Hadjitofi to create, according to her statement, offices in Cyprus of "Walk of Truth "to prevent trafficking antiquities, without itself having previously returned the frescoes to their lawful owners.

I hope you will immediately take the appropriate action, for the repatriation of the four ecclesiastical heirlooms”.

This spurred a response from WoT and Mrs. Hadjitofi in a counter-letter sent to the Minister on the 29<sup>th</sup> of September informing her that she has received the letter of Mr. Viketos which she describes as: “misleading and does not reflect the true facts. The content of Mr. Viketos' letter suggests and/or insinuates that I possess illegally stolen archaeological objects which is a defamation of my person and the organization I am leading, for which I fully reserve my rights”.

She informs the Minister that a detailed letter concerning the frescoes events will be sent to her before the end of next week.

WoT's letter came on the 10<sup>th</sup> of October 2018. The letter, as it reveals in its opening statement, aims to put some things in their place, to give clarity to the issue and restore the truth. In this lengthy letter WoT makes reference to every step of the way of how the frescoes came to the possession of Mrs. Hadjitofi and what transpired since. Then it details how since 1987, when Tasoula Hadjitofi started being actively involved in repatriation cases, she had been informed by the Law Office of the Republic of Cyprus that the religious antiquities of Cyprus belong to the Church of Cyprus. Therefore, for each of her repatriation, Mrs. Hadjitofi had a power of attorney from the corresponding Bishop or Archbishop and references several specific cases and provides an annex of documents i.e. power of attorney and correspondence (Archbishop Chrysostomos I, Bishop Athanasios of Limassol etc.)

An important reference is made here mentioning that in 1997, after the completion of the Munich sting operation, a similar dispute broke out between the Church of Cyprus and the Cypriot State over the ownership of the antiquities. As mentioned in the letter:

“The then Archbishop referred her (Tasoula Hadjitofi) to Tassos Papadopoulos<sup>28</sup> for legal advice, and he confirmed that the new Antiquities Law did not affect the fact that religious antiquities are ownership of the Church”.

These facts dictated the process followed by Mrs. Hadjitofi and WoT when the four frescoes came to her possession; naturally first contacting the Church of Cyprus, finding out that the Monastery of Apsinthiotissa was under the ownership of the Patriarchate of Jerusalem, contacting corresponding Metropolitan of Vostra and agreeing to deliver the frescoes to him.

The letter continues and mentions the presentation at the House of Lords, the up to date correspondence with the Dept. and the Dept.'s claim of ownership, and all the efforts made by Walk of Truth to repatriate the frescoes thus far.

The letter then states that “...the Department of Antiquities seems to be under the impression that the repatriations of the stolen treasures that Mrs. Hadjitofi has achieved in the past 30 years were based on the wrong processes, and that all of them; lawyers, foreign lawyers, clergy, archbishops, etc., mistakenly believed that religious antiquities do not belong to the State and that their legitimate beneficiary is the Autocephalous Church of Cyprus”.

WoT then makes the following accusation:

“[...Additionally, we are informed that the frescoes have been used in a negative way against the Walk of Truth organization and that people in the Department of Antiquities have given incorrect information in third parties, from academics to

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<sup>28</sup> Tassos Papadopoulos was a Cypriot politician and barrister who served as the fifth President of Cyprus from February 28, 2003, to February 28, 2008.

museum directors at outside, and diplomats. Please note that the Department of Antiquities never asked Mrs. Hadjitofi for the costs arising from the immediate restoration, framing and transferring the mosaics to a safe place for safekeeping...].”

In the letter, WoT then criticizes the Dept. for disputing the claim of the Patriarch of Jerusalem of ownership over the frescoes and then makes mention of a letter sent by the Patriarch of Jerusalem to the MTCW:

“[...From what we have recently been informed the Patriarch of Jerusalem has sent a letter to you reiterating his position on the ownership of the frescoes...].”

It further criticizes the Department’s handling of this case and another, further revealing the organization’s skepticism over the Dept.’s handlings:

“[...The Department of Antiquities asks us to disclose any information Walk of Truth acquires. With all due respect, the recent experience shows that the Department Of Antiquities does not act with the appropriate precipitance and does not take appropriate action on this important issue.

Specifically, when we informed the Department of Antiquities about the illegal sale in the US by the daughter of Honorary Consul of Cyprus, of artifacts from the Cyprus Museum, the Department of Antiquities not only failed to stop the sale but obstructed Walk of Truth and its experts from intervening. Our organization contacted the embassy of Cyprus in Washington, to warn them about the sale of museum exhibits in Jacksonville and that the embassy number was the contact number listed on the auction house list. The embassy was not even aware of it; that our Honorary Consul and his daughter were ready to sell the collection of antiquities of their museum. Our Embassy in Washington admittedly proved very helpful in our attempt to stop this sale. The lack of coordination between the competent authorities in Cyprus is a big issue, existing since the 1990s and that unfortunately continues to this day...].”

The letter ends by requesting a meeting between Mrs. Tasoula Hadjitofi and the Minister and the opinion of the Attorney-General on this matter which will conclude the dispute of ownership. (*Appendix3*)

Many news outlets wrote about this case. One of the articles in 24 News publishes Mrs. Vasiliki Anastasiadou’s MTCW comments made regarding the accusations of WoT for the Dept.’s poor handling of the case:

[(The Dept. of Antiquities) “has handled this correctly”], and “[...We had already asked for a judgement on the ownership of the frescoes before this letter was sent...][...In order to be sure of the ownership, we have contacted the Attorney-General before the letter of the Walk of Truth and we are in agreement with him...].”<sup>29</sup>.

On the 13<sup>th</sup> of November WoT sends a letter to President Anastasiades requesting his support to facilitate the delivery of the four frescoes and how the attempts to

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<sup>29</sup> Source ΚΥΠΕ (Cypriot News Station), 24h news, 13, October, 2018, <https://24h.com.cy/2018/10/v-anastasiadou-zitisame-gnomateysi-apo-g-eisaggelea-gia-ekklisiastikes-toichografies/>

find the rightful owners for past four years have been fruitless due to the following dispute:

- The Church of Cyprus claims two of the antiquities belong to them and they must be delivered to Bishop Porfyrios and placed in the Byzantine museum.
- The representative of the Jerusalem Patriarch in Cyprus, Metropolitan Timotheos, stated that the same two frescoes belong to the Jerusalem Patriarch and their wish is to have the frescoes delivered to you but, in the presence of the Patriarch. The Jerusalem Patriarch wishes to keep the frescoes under museum conditions in their Bishopric opposite the Byzantine museum until the date they can return to the Church they originated from.
- The Department of Antiquities suggests that based on the new law related to “discovered antiquities” the pieces have to be returned to the Department of Antiquities, as they are property of the State.

“As a Dutch registered NGO governed by Dutch law, the Walk of Truth has a legal duty to ensure the items are passed to their rightful owners. I cannot exercise my duty as a result of the above competing claims. I kindly ask that you, as President of the Republic, intervene and accept the frescoes allowing me to fully discharge my duty to avoid the risk of further disputes. It will then be the responsibility of the Republic to decide rightful ownership.”

The suggestion of WoT is for the frescoes to be delivered to the President in person by the Dutch Government which will be arranged by the Prime Minister’s Office and in collaboration with the Cypriot Ambassador in the Netherlands Mr. Olkonomou.

Petros Demetriou, Director of the President’s Office replied on the 19<sup>th</sup> thanking WoT for their initiative to deliver the frescoes and expressed the President’s directions for the delivery of the four frescoes to take place at the Cypriot Embassy in the Hague and the Minister of Transports and the Dept. of Antiquities receive the frescoes on behalf of the Government.

On the 28<sup>th</sup> of November 2018 Aristides Viketos publishes an article containing answers of the President’s Press Secretary Mr. Prodromos Prodromou to his questionnaire. Mr. Prodromou stands by the Dept. for its handling of the case and accuses Mrs. Hadjitofi for meddling in this case and even speaks for criminal offences. (*Appendix5*)

### **5.1 The close of the case**

On the 3<sup>rd</sup> of December 2018 Tasoula Hadjitofi receives an URGENT email from the Director of the Dept. of Antiquities. Dr. Ieronimidou informs Walk of Truth that she has received the official judgement of the Attorney-General about the withholding of the two frescoes by Mrs. Hadjitofi which, she mentions, constitutes a

violation of Article 309 of the Penal Code (Ch. 154)<sup>30</sup>. She references the Attorney-General's judgement in order to discourage Mrs. Hadjitofi from further trying to determine the lawful owner and insists that Mrs. Hadjitofi delivers the frescoes to the competent authority which is the Dept. of Antiquities in the Cypriot Embassy in The Hague from where the Director will be arranging for their repatriation.

However WoT had never received such an official judgement and orders by the Attorney-General's office.

WoT immediately proceeds to send an email to the President. The email introduces the case from the initial possession of the frescoes, to the claims by the Dept. and their reference to the laws, and finally the absence of the Attorney-General's official judgement to the WoT.

They propose to deliver the frescoes to the President in order for the government to deliver them to the lawful authority. If that is not feasible WoT is prepared to deliver the ecclesiastical artefacts at the Cypriot Embassy in the presence of the MFA Mr. Nikos Christodoulides.

"Already in agreement with the Ambassador and the Minister we're moving towards this direction and trying to determine an appropriate date. We are hoping the Dept. of Antiquities will be present at the delivery ceremony thus fulfilling any legal responsibilities."

The next day an official announcement of the Presidency of the Republic of Cyprus shares:

"It is announced that a successful conclusion is being made about four stolen ecclesiastical frescoes that a private organization has recovered for some years and are still abroad.

After consultations taking place in this period, the frescoes - two of which come from the Monastery of Panagia Apsinthiotissa (Sihari) - are to be delivered to the authorities of the Republic.

In particular, the Walk of Truth organization, which has attained the frescoes, in a letter to the President of the Republic, announces its intention to hand them over to the State Authorities. The delivery process will be notified as soon as the relevant date is finalized."<sup>31</sup>

Many news outlets like Politis<sup>32</sup>, Phileleftheros<sup>33</sup>, Kathimerini<sup>34</sup> and other published this announcement.

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<sup>30</sup> Penal Code (Ch. 154) (in Greek) [http://www.cylaw.org/nomoi/enop/non-ind/0\\_154/full.html](http://www.cylaw.org/nomoi/enop/non-ind/0_154/full.html)

<sup>31</sup> Article Kathimerini, kathimerini.com.cy, «Τοιχογραφίες από την Αψινθιώτισσα στην Κύπρο Θα παραδοθούν στις Αρχές της Δημοκρατίας από το Ίδρυμα Walk of Truth», 4 December, 2018, <http://www.kathimerini.com.cy/gr/politismos/stin-kypro-epistrefoyn-kai-alles-arxaiotites>

<sup>32</sup> Politis News, 04, December, 2018, <http://politis.com.cy/article/to-walk-of-truth-epistrefi-tesseris-klemmenes-vizantines-tichografies>

<sup>33</sup> Phileleftheros newspaper, Down Town magazine, 04, December, 2018, <http://www.philenews.com/downtown/politismos/article/620283/epistrefoyn-stin-kypro-klemmenes-ekklisiastikes-toichografies>

<sup>34</sup> Kathimerini newspaper, 04, December, 2018, <http://www.kathimerini.com.cy/gr/politismos/stin-kypro-epistrefoyn-kai-alles-arxaiotites>

Two days later, on the 6<sup>th</sup>, The Dept. publishes a press release, in response to the articles mentioned above and states the Dept.'s general role and priorities and then stated that there was never a conflict between the Church and the State, reiterates the Dept.'s position on the ownership status and mentions the Dept.'s position is reinforced by the Attorney-General's judgement. (*Appendix6*)

Following these events Mrs. Hadjitofi gave an interview in the Philelefttheros newspaper which was published on the 23<sup>rd</sup> of December, 2018. The interview was conducted by journalist Antigoni Solomonidou-Drousioti. In this interview Mrs. Hadjitofi talks about the illicit art trade and how Cyprus is joining the fight against it, the mosaics of St Mark and St Andrew from the Church of Kanakaria and the wrong way of their repatriation. She then discusses the mistakes that occurred after the Munich case and the problems that still plague Cyprus. She warns about the dangers of self-interested people in all circles; "...organizations, politicians, the Government and the Church" and how the smugglers know and take courage from this. Regarding the four frescoes she reveals WoT is in talks with the President's Office and the Cypriot Ambassador in Holland to make the delivery ceremony soon. She then states: "Although we believe them to be from Cyprus, there is no evidence from which church they derive. Our organization had to guarantee the wish of the donor to deliver them to their owner. According to International and Dutch Law, Cyprus can have them back only by the good will of the donor and our organization, because legally Cyprus cannot claim them because they simply believe to be Cypriot. [...I ensured from the donor for all four to be returned as soon as we are given a date. The frescoes have been ready since 2015, professionally packaged and waiting to return home, like every refugee in the world.]" (*Appendix7*)

## **5.2 Repatriation Ceremony and Return**

The MTCW Mrs. Anastasiadou informs Mrs. Hadjitofi on the 7<sup>th</sup> of January 2019 that she will arrive in the Netherlands on the 21<sup>st</sup> for the repatriation ceremony at the Cypriot Embassy in The Hague. She informs her that the Dept. will be present as the competent authority of the State. She praises Mrs. Hadjitofi for making all arrangements for the insurance, packaging, transport and all other matters and details in collaboration with the Embassy and thanks her for the positive outcome of this case.

The Four Frescoes were handed over to the MTCW, Mrs. Vasiliki Anastasiadou, by Mrs. Tasoula Hadjitofi, at a special ceremony at the Embassy of the Republic of Cyprus in The Hague on the 21<sup>st</sup> of January, 2019, in the presence of the Cypriot Ambassador Mr. Oikonomou, Bishop of Neapolis Porfyrios, David Burrowes and Willy Bruggeman. the Director of the Dept. Mrs. Ieronimidou accompanied by officials of the Cypriot police and Mr. Viketos.

In her speech, the Minister of Transport, Communications and Works informed the public that one of the two unidentified icons was recently identified to belong to the church of Panagia (Virgin Mary) in the occupied Assia village in the Famagusta

province that is currently being restored by the bi-communal Technical Committee on Cultural Heritage.

Speeches were also given by Willy Bruggeman, David Burrowes and Bishop Porfyrios of Neapoli.

Tasoula Hadjitofi gave an all-inclusive speech. (*Appendix8*)

Walk of Truth revealed a Press Release the next day detailing the Repatriation Ceremony and the story of the case. (*Appendix4*)

Following the frescoes' arrival on the island of Cyprus the Director escorted the pieces to the Byzantine Museum where they will be hosted.



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## 6 CHAPTER V: The lawful ownership status of the three parties.

Cypriot Law dealing with cultural heritage can be found in: 1) *Ιερός Ναός Χρυσελευούσης v. Δημοκρατίας κ.ά.* (1989) 3 A.A.Δ. 3074, 2) *ΚΥΡΙΑΚΗ ΜΕΛΙΟΥ ΓΕΩΡΓΙΟΥ v. ΚΥΠΡΙΑΚΗΣ ΔΗΜΟΚΡΑΤΙΑΣ*, 1591/2009, 8/5/2012. These rulings do not concern issues of ownership over antiquities. The only case concerning ownership over antiquities is *STEFIS A. ΣΤΕΦΑΝΟΥ v. MICHAEL ΗΓΙΕΦΘΥΜΙΟΥ AND OTHERS*

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<sup>35</sup> Image 11, Repatriation ceremony at the Cypriot Embassy in The Hague, Netherlands, 21.01.2019, from left to right, Bishop of Neapolis Porfyrios, MTCW V. Anastasiadou, Tasoula Hadjitofi, David Burrowes, Willy Bruggeman, Courtesy of Walk of Truth Archives.

(1976) 1 CLR 225, which makes reference to illicit antiquities trade which according to the Antiquities Law (Κεφ.31) is an issue of public interest. There is no legal precedent where the disputed issue is a claimed ownership over antiquities between the Republic of Cyprus and the Holy Church of Cyprus.

### **6.1 The Department of Antiquities/State**

The Department of Antiquities was established in 1935, the same year that the new Antiquities Law was enforced (while still under British rule). The Department of Antiquities is responsible for the management of the archaeological heritage of Cyprus. The Department's main areas of activity and responsibility are the following:

- systematic and rescue excavations as well as archaeological surveys,
- the establishment, management and operation of archaeological museums,
- the conservation, restoration, protection and promotion of Ancient Monuments in the First and Second Schedule of the Antiquities Law, of archaeological sites and of monuments of architectural heritage.<sup>36</sup>

It is clear that the Dept. stands firm on this matter regarding the Antiquities Law, Article 2 of the Basic Law<sup>37</sup> and The Return of Cultural Goods Law 2016<sup>38</sup> (N. 183(I)/2002). As stated in Article 2 of the Basic Law of Antiquities 1935:

““antiquity” means any object, whether movable or part of immovable property, which is a work of architecture, sculpture, art, painting or any general art which has been produced, carved, painted, or otherwise made in any way by human means and with any matter prior to the last one hundred years and which was found, discovered or excavated in Cyprus, including the maritime zones of Cyprus, and includes any such object or part thereof have been added, rebuilt, adapted or subsequently substituted:

Provided that for works of ecclesiastical or folk art of great archeological or artistic or historical significance, instead of the one hundred years’ chronology, the year 1940 will be counted irrespective of their place of manufacture or origin”.

There is a division between antiquities and ancient monuments that are State owned and those that are non-State owned which basically is consisted by Church properties as stated in the Antiquities Law (Κεφ.31). The division is made with the registry of antiquities in two Charts; the First Chart which is for State properties and the Second Chart which is for private properties (most of which are Church owned but not exclusively).

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<sup>36</sup>Dept. of Antiquities official website, Authorities/Missions,

[http://www.mcw.gov.cy/mcw/da/da.nsf/DMLmission\\_en/DMLmission\\_en?OpenDocument](http://www.mcw.gov.cy/mcw/da/da.nsf/DMLmission_en/DMLmission_en?OpenDocument)

<sup>37</sup> Basic Law of Antiquities (Ch.31), [http://www.cylaw.org/nomoi/enop/non-ind/0\\_31/full.html](http://www.cylaw.org/nomoi/enop/non-ind/0_31/full.html)

<sup>38</sup> The Return of Cultural Goods Law (Greek), 2016, [http://www.cylaw.org/nomoi/enop/non-ind/2016\\_1\\_101/full.html](http://www.cylaw.org/nomoi/enop/non-ind/2016_1_101/full.html)



There is no true distinction made between ecclesiastical artefacts and otherwise. All objects and spaces that fall under the Antiquities Law (Κεφ.31) are defined, and as such are treated by Law as “antiquities” so as long as ecclesiastical artefacts are being defined as “antiquities” they shall be counted as part of the aforementioned Law. This includes, in accordance to Article 3, “...all antiquities that were not discovered before the enactment of this Law in or on any land will be considered ownership of the State.”

The interpretative provisions in the Antiquities Law also define the “Minister” – Minister of Transports, Communications and Works, and the “Director” – Director of the Department of Antiquities as authority for the provisions of this Law.

This is aligned with the Return of Cultural Property Law, where a clear reference is made in Articles 4, 5 and 6.

4. (1) For the purposes of this Law, the Competent Central Authority of the Republic is the Department of Antiquities of the Ministry of Transport, Communications and Works.

5. The Competent Central Authority has the power to:

(a) seek, at the request of the requesting Member State, cultural property that has been illegally removed from its territory, as well as the identity of the holder and/or its holder. This application includes any information useful for the purpose of the search, in particular, to the place where the property actually is or suspected it is.

6. (1) Subject to the provisions of subsection (2), in the case of an application from the Member State, the Competent Central Authority:

(a) seeks a specific cultural asset, which is illegally removed from the territory of the Member State. and

(b) takes appropriate measures to locate the holder.

In addition, there are a number of international conventions which refer to matters of antiquities, briefly listed:

Memorandum of Understanding between the United States of America and the Republic of Cyprus, 2002, 2006, 2007.

The ownership of the State over antiquities is also reinforced by the Constitution of the Republic of Cyprus; Article 23 describes one’s right to own, to possess and to manage any property, movable or immovable. In the second part of Article 23 is stated: “The State’s right over groundwater, mines and antiquities, is reserved.”

Therefore the Dept. reiterates its claim as it considers it to be both legally and constitutionally sound.

## **6.2 The Church of Cyprus**

The Church of Cyprus is one of the oldest autocephalous Greek Orthodox Churches.

While under Roman rule, the Apostles Paul and Mark along with the Cypriot Apostle Barnabas came from Antioch in 45 AD to spread in Cyprus the word of Jesus Christ.

The three Apostles then organized the Church of Cyprus and hence begun the Christian Age in Cyprus that under the Autocephalous Orthodox Church of Cyprus still lives on.

The Autocephalous Orthodox Church of Cyprus is a legal entity that its constitution, authorities and responsibilities are defined and described in the Statutory Map of the Holy Church of Cyprus.

In Article 2 of the Antiquities Law where the definitions are provided, the definition of “owner” alternatively (other than the State) includes:

“a) in the case of property under the jurisdiction of any Bishopric, Monastery or Church, the Bishop of the Bishopric, the administrative council of a monastery or a given established desired administrative committee of a church according to the circumstance.

(b) in the case of property under the jurisdiction of any mosque, tekke or any other Muslim religious organization or institution, the Evkaf Higher Council or any other person managing the given properties of these persons, in particular with the case.

Article 24 of the same Law, which provides exceptions, states:

“Regardless of any endowment provided in this Law no church, mosque or any place used for religious ceremonies, that is property of a religious community or the Department of Efkaf<sup>39</sup> will be included in the First Chart (State-owned properties) or will be subject of ownership by force of any provision in this Law.”

In the Constitution of the Republic of Cyprus, Article 23 where the right of the State over antiquities is made, in paragraph 9 there is a special clause concerning Church property:

“However, no deprecation is required or term, restriction or blocking thereof in the first paragraph herein the right of any movable or immovable property belonging to any diocese/Bishopric, Monastery, or any other ecclesiastical organization, or any right or interest of such, except in the written consent of the competent ecclesiastical authority having the control of this property, and this provision also applies in the cases referred to in the third paragraph except conditions, restrictions or commitments in the interest of town planning, and fourth, seventh and eighth paragraphs of this Article.”

In the Constitution of the Republic of Cyprus, Article 110 states:

“The autocephalous Orthodox Church of Cyprus shall retain its exclusive right of managing and administrating its internal affairs and its properties according to its Holy Canons and its in-effect Statutory Map. The Greek Communal Assembly<sup>40</sup> shall not act in adverse to the aforementioned right of the Greek Orthodox Church of Cyprus.”

In the Statutory Map of the Holy Church of Cyprus is stated:

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<sup>39</sup> Department for the management of Turkish-Cypriot properties

<sup>40</sup> Department of education abolished in 1965 and its responsibilities absorbed by the Ministry of Education.

Article 45, paragraph 1, states that “the Bishopric constitutes a legal entity...” and expands on provisions regarding the establishment of Bishoprics in other paragraphs, and in paragraph 4 it states that all Bishoprics are established along with the distinction of its properties.

Article 46, paragraph 1, describes the types of temples/churches of the Church of Cyprus, and in paragraph 2 states:

“All temples/churches are inalienable Church property and are under the control and supervision of the corresponding High Priest. Their administration and management are enforced according to the provisions of the present Statutory Map.”

Paragraph 3 states:

“The Bishopric temples/churches are the ownership of the corresponding Bishopric. Paragraph 4 describes the accounting books and archiving duties of a Bishopric for all its properties (land, furniture, objects etc.) and paragraph 5 provides for temples/churches that are decayed or in decay remain the property of the regional Bishopric.

Also in Article 70, paragraph 1, it is described how Monastery property is handled by the Abbot, and in paragraph 2, makes a specific reference to “church valuables of historical or cultural value must be under the intensive attention and care of the church council” and the required creation of an archive of the heirlooms and valuables of the Monastery.

The Church of Cyprus has a legal and constitutional claim of ownership over its properties. A strong point is the cases where even after the objection of the Department of Antiquities due to the finding of antiquities on Church land, the Church has proceeded to expropriate Church property under the judgement of the Attorney-General; reference to judgement 82.777 dated 08.06.2017 of the Council of Ministers.

### **6.3 The Patriarchate of Jerusalem**

The Patriarchate of Jerusalem is the Mother of all Christian Churches. The Church was established on the day of Pentecost with the descent of the Holy Spirit on the disciples of Jesus Christ (Acts 2:1-41)<sup>41</sup> and the Gospel of Christ spread from Jerusalem. The Patriarchate is represented by its Exarchates in various countries and cities. In Cyprus it is represented by the Exarchate of the Holy Sepulcher under His Eminence Metropolitan of Vostra Timotheos. The Exarchate has under its jurisdiction and ownership certain monasteries, three of which are located in the Turkish-occupied area. One of them is the Monastery of Panagia Apsinthiotissa near Sihari.

No mention is made in Exarchates within the Statutory Map of the Holy Church of Cyprus. In addition, no mention of the rights of the Exarchates is made either in the Constitution of Cyprus and/or a specific Law. Their rights are basically customary, in the context of the historical data of the Church. The privilege of the Patriarch, at

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<sup>41</sup> Acts 2:1-41, <http://bible.oremus.org/?passage=Acts+2:1%E2%80%9341&version=nrsv>

least as regards the *stavropigia* (embassies), is connected and owed to the legal basis in Byzantine customary law.

Theodoros Balsamon<sup>42</sup> mentions about the privilege of the Patriarch to possess Patriarchal embassies had been imposed “by long ecclesiastical unwritten custom, rather than staying rules for a long time and up to now.” The expansion of the patriarchal benefits and the possibility of the Patriarchate to establish an Exarchate were presented then as a “traceable” legitimacy of the new institution from the customary legal institution of the embassies. Sources of legitimation of the Exarchate can be found if one looks at Synodic and Patriarchal decisions. The assignment of the aforementioned Patriarchal Legalization is carried out through the Exarchal Declaration in which rights and obligations of Exarchs are recorded.

There is no document which clearly demonstrates the founding act of the Exarchate of the Patriarchate of Jerusalem in Cyprus therefore, in the absence of sufficient evidence, the exact chronological position of the foundation of the Exarchate as well as the exact rights and obligations stemming from its founding act are difficult.

Privileges of the Exarchates come from the aforementioned laws, within the overall protection of ecclesiastical organizations. As such, any intervention by the Department of Antiquities on subjects of the Exarchate has the same legal framework as the Church of Cyprus and are therefore mentioned above.

In conclusion, the ecclesiastical property in general, and its subordinate to them antiquities property in particular, are protected by law, but not the lawmaker has not made a detailed analysis and categorization of as above mentioned. In addition, the Exarchate's institution works more ceremonially and therefore apply to it also what applies to the Church of Cyprus.

It is to be noted that two frescoes (12<sup>th</sup>, 13<sup>th</sup> centuries) from the main temple and the narthex of the Monastery of Panagia Apsinthiotissa that were discovered amongst the stolen treasures of Aydin Dikmen's apartment in the Munich case, repatriated from Germany (2013, 2015) reside, on this moment, at the Byzantine Museum.

The Exarchate operates under the Constitution of the Patriarchate of Jerusalem which states that the Exarch operates as a representative of the Church of Jerusalem. The Exarch's main responsibilities are, among others: a) to care and attend to all property issues of the Church of Jerusalem in the given country he is posted, b) to hire, appoint or fire lawyers in defense of any rights of the Exarchate, c) the acceptance of heritage or donations on behalf of the Patriarchate, d) the exploitation of the properties of the Church of Jerusalem.<sup>43</sup>

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<sup>42</sup> Orthodox Patriarch of Antioch (12<sup>th</sup> century), jurist of ecclesiastical law and titular Patriarch of Antioch. Originally a Deacon and later a Nobile and Archive-Keeper of the Great Church.

<sup>43</sup> Archbishop of Ioppi, Damaskinos, Doctoral Thesis – “The Administrative Organization of the Patriarchate of Jerusalem”, p. 198 -199, Aristotle University Dept. of Law, Economics and Political Sciences, 2008, Thessaloniki, Greece.

## **7 CHAPTER VI: Commentary of key persons on the ownership dispute and the provisions of the Law**

On our interview on the 10<sup>th</sup> of December 2018, Dr. Perdakis, who is the Director of the “Archangelos” Foundation Museum and has repatriated many artefacts and played an important part in the Icons of Trikomo case was highly critical of the Dept. and their allegations of ownership over the frescoes. He stated that never before a Director of the Dept. has claimed such a thing, the Dept. never kept or keeps any ecclesiastical artefacts or even an archive on such articles and calls them “understaffed, mismanaged and disorganized”. He retains the frescoes are Church property. (*Appendix9*)

### **7.1 The Byzantine Museum**

The Byzantine Museum was founded in 1978 right after the death of Ethnarch Makarios as part of the Archbishop Makarios III Foundation – Cultural Center, and opened its doors to the public in 1982. Dr. Ioannis Eliades, Director of the Byzantine Museum, in our interview on the 12<sup>th</sup> of December 2018, when asked about the peculiarity of the case of the four frescoes he replied:

“What happened was unacceptable. It’s not right for a private individual (Tasoula Hadjitofi) to appropriate stolen treasures for self-promotion.

Q. Is the Dept. of Antiquities the lawful owner of all “antiquities”?

A. Yes. That’s how it has always been. I think that our national Law must be modernized according to European Law and state this more clearly. Mrs. Hadjitofi used as an excuse that she had to deliver them to the Patriarchate of Jerusalem because the frescoes belong to a church under their ownership and therefore she did not recognize the authority of the Dept. It’s a shame. Even if we are wrong we must not let it come out this way. I also have disagreements with the Dept. from time to time but they are our State. We cannot afford to undermine our own State.

Q. Would you support a reforming of the Law, discriminating between “antiquities” and “ecclesiastical heirlooms” in order from the latter to be delivered to and handled by the Church?

A. No, I don’t agree. I prefer for things to stay as they are; for the State to supervise these objects that are found abroad. I believe the experts are in the State and not the Church. In the Church any given Bishop can do what he likes which may lead to mistakes. I would prefer for people who have the knowledge and the education to handle these matters.

### **7.2 Bishop of Neapolis, Porfyrios Representative of the Church of Cyprus in the EU**

Bishop of Neapolis, Porfyrios, is the Representative of the Church of Cyprus in the EU. Among his duties is to moderate and surveillance cases of stolen Cypriot treasures abroad; auctions, dealings etc. In our meeting and interview on the 28<sup>th</sup> of December, 2018 we talked about many cases ending with a few questions on the four frescoes case:

Q: Dept. of Antiquities in accordance to the Antiquities Law claims lawful ownership over the frescoes. Is that correct?

A: We (the Church) do not accept this claim. How can they claim ownership? Even when they send for restoration, I have to sign, in order for them to be allowed to come. I am the owner; the Church, the corresponding Bishop. Owner of religious artefacts is the Church. They (the Dept.) supervise the preservation of the monuments and the objects, by Law. We've had these treasures for 2000 years. The State is 60 years old. The Church is the oldest institution here and continues to function. How can the State come now and claim all this cultural wealth that belongs to the Church? We contest even the churches that were turned into mosques that the British, when they managed the Land Registry, they issued titles of ownership to the Muslims who registered them as theirs. They were taken by force but they never ceased to be Church property.

Q. Regarding the matter of lawful ownership (of the frescoes), do they belong to the Patriarchate of Jerusalem?

A. The patron of the church of Panagia Apsinthiotissa is the Exarchate of the Holy Sepulcher, here in Nicosia, represented by Metropolitan of Vostra Timotheos. However they are part of the Cypriot State and the State supervises their management. The State is the authority responsible for the repatriation of these objects.

Q. When they arrive where will they end up?

A. In the Byzantine Museum.

### **7.3 Exarch of the Holy Sepulcher – Metropolitan of Vostra Timotheos**

In our conversation, dated 4<sup>th</sup> of January, 2019, we talked about many things and the case of the frescoes came up organically. The Metropolitan describes the initial contact with Mrs. Hadjitofi and confirms every detail that is described by Walk of Truth in various instances.

“She (Mrs. Hadjitofi) informed me of the findings and I expressed my wish; until these treasures are able to be returned to their origin (in the Monastery of Panagia Apsinthiotissa) they should be delivered here to their lawful owner which is non-other than the Patriarchate of Jerusalem and the Exarchate of the Holy Sepulcher of which I am the representative here. I cannot dictate how and when the delivery of the frescoes will be carried out but I support the idea that the fragments must return to Cyprus as soon as possible. There is a relevant law here in Cyprus that states that “antiquities” belong to the State and the ecclesiastical objects and valuables go to their respective Bishoprics. However, in this case the monastery does not belong to the Church of Cyprus but to the Patriarchate of Jerusalem; this is a notifying difference that has not been included inside the Law. I, of course, do not separate myself from the Church of Cyprus, we are one body, but we have different property rights i.e. we have many valuables here that belong to the Exarchate not the Church of Cyprus. I must retain my right and freedom to manage my property as I wish.”

He continues to say:

“The delivery of the frescoes will be made soon, as I was told, Mrs. Hadjitofi and the Walk of Truth organization will deliver to the President of the Republic of Cyprus or the Minister of Foreign Affairs. She prefers that the delivery takes place in Holland, on Cypriot soil; meaning the Cypriot Embassy. We do not abandon our determination for these objects to be kept here in the Exarchate where there is a specially designed space where we can hold and protect them as good as any other museum space.”

Q. Would you be in favor of a reforming of the Law in order for a mention of the Patriarchate and the Exarchate to be made and your legal rights regarding ownership of your property to be established?

A. Yes. Our properties registered in the Dept. of Land and Surveys are titled under the name: “Holy Monastery of Chrysostomos, subject to the Patriarchate of Jerusalem”. For centuries now, the Exarchate of the Holy Sepulcher is the body in which all these monasteries are subject to and administrated. Therefore we would like for all these properties and monasteries to be gathered and registered under one name, the Exarchate to be recognized as a legal entity with all its rights reserved. The Exarchate is regarded as a Church Embassy of the Patriarchate of Jerusalem in Cyprus with the approval of the Church of Cyprus, which in fact recognizes its status. Consequently we expect the State to recognize this status of the Exarchate as well.

Metropolitan Timotheos expressed another very important request of his:

“Some time ago, I proposed to His Beatitude Archbishop Chrysostomos, to accept my participation to the meetings he holds with the representatives of other Christian communities on issues that concern the occupied monasteries and properties. My presence although it does not claim any official role of leadership will be identified with the voice of the Church of Cyprus and support, as an additional voice, its demands.”

Q. How do you take the Dept. of Antiquities’ claim that these objects fall under the term “antiquities” and as such they belong to the State according to the Antiquities Law?

A. Of course there are antiquities being discovered every day that belong to the State, but the Church and its treasures cannot be considered ownership of the State because these objects have perpetual use, they are articles of worship, and they belong to a the Church which continues its religious mission.

It is to be noted that two frescoes (12<sup>th</sup>, 13<sup>th</sup> centuries) from the main temple and the narthex of the Monastery of Panagia Apsinthiotissa that were discovered amongst the stolen treasures of Aydin Dikmen’s apartment in the Munich case, repatriated from Germany (2013, 2015) reside, at this moment, at the Byzantine Museum.

The Exarchate functions under the Constitution of the Patriarchate of Jerusalem which states that the Exarch operates as a representative of the Church of

Jerusalem. The Exarch's main responsibilities are among others: a) to care and attend to all property issues of the Church of Jerusalem in the given country he is posted, b) to hire, appoint or fire lawyers in defense of any rights of the Exarchate, c) the acceptance of heritage or donations on behalf of the Patriarchate, d) the administration/exploitation of the properties of the Church of Jerusalem.<sup>44</sup>

## 8 CHAPTER VII: Conclusions

Mr. Kostas Katsaros, former legal advisor of the Holy Archbishopric of Cyprus, stated in our meeting on the 23<sup>rd</sup> of January, 2019, that there is a practical arrangement between the State and the Church to deliver all ecclesiastical artefacts to be exhibited in the Byzantine Museum whenever the Dept. happens to get ahold of such objects. No law forces any party to do so. This however allows for the dispute over lawful ownership over these objects to remain unsettled in the Law and also allows for the dispute to reoccur in the case a similar situation arises.

The opportunity for the conflicting provisions in both the Law and the Constitution to be reformed will arise if a legal case is presented to court and allow for the State on one side and the Church of Cyprus on the other side to clash and allow for a legal clearance which will subsequently create a legal precedent. An arbitrary decision can also be of great use since the decision is legally binding and enforceable.

If the Church wishes it can proceed in updating its Statutory Map and include in its Contents the Exarchate and/or the Exarch's right. A specific mention is not needed only a provision that states in a given Article context that the Exarchate and/or the Exarch retains the given rights or duties. This will depend on the diplomacy of the Exarch and the Holy Synod in the future if pursued.

Since Walk of Truth organization is based in the Netherlands and it operates under Dutch Law it could have insisted on retaining the frescoes until an official judgment that explains why and how the Cypriot State is the legal owner of these objects is presented to them. Arbitration or mediation could have been arranged for the interested parties to participate and resolve this matter. Negotiations could also have been effective if the interested parties were willing and able.

The claim by the Dept. is, as such, reinforced by the ambiguity of the Law on this specific matter that makes reference to "antiquities", hence the Dept.'s persistence to this term. Another problem in this case was the poor diplomatic skills of the Dept. and the Ministry.

The Dept., knowing it would eventually resort in delivering the frescoes to the Byzantine Museum, could have easily renounced ownership of the frescoes and

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<sup>44</sup> Archbishop of Ioppi, Damaskinos, Doctoral Thesis – "The Administrative Organization of the Patriarchate of Jerusalem", p. 198 -199, Aristotle University Dept. of Law, Economics and Political Sciences, 2008, Thessaloniki, Greece



simply insisted only to supervise and monitor the transportation, packaging, insurance until their arrival in Cyprus, as provided by Law.

The Dept. could also reiterate its claim but nevertheless supervise the repatriation process and allow Mrs. Hadjitofi to deliver the frescoes to the Exarchate.

If not sure who is the rightful owner; the Church of Cyprus or the Exarchate of the Holy Sepulcher, it would be wise to allow the two sides to resolve it amongst them and then proceed to repatriate them and deliver them.

The Dept. for some reason bypassed the offering of a middle ground by Mrs. Hadjitofi to deliver them to the President or the Minister of Foreign Affairs, who are also State officials. The Dept. stopped this initiative when it could have easily allowed it to happen and if it had every right to obtain the objects and own them then surely the President or Minister would turn the frescoes over to their authority.

Another point would be to consider the frescoes not as movable artefacts that once adorned the buildings but as part of an immovable property belonging to the Church, or the Exarchate in this case, which would constitute it inalienable Church property and by no means State-owned.

The Byzantine Museum seems perfectly happy for things to stay as they since they are always on the receiving end of ecclesiastical heirlooms providing the agreement with the Dept. stands. There seems no point in meddling with issues of lawful ownership as long as this remains the status quo. However the Byzantine Museum has hundreds of icons, mosaics, frescoes and ecclesiastical heirlooms in its premises; surely they can spare 4 pieces to the Exarchate which can be monitored by the Dept. in order to uphold all guidelines regarding the protection and preservation of the pieces, especially being so close to the Byzantine Museum; all experts from there can also attend to the pieces held in the Exarchate.

An important note is that, according to Mr. Katsaros, the Archbishop Makarios III Foundation – Cultural Center, to which the Byzantine Museum is a part of, is fully-funded by the Church but its Executive Council is consisted by 4 members of the Church and 4 members of the State who in turn are responsible for the appointment of the Directors of the Foundation and the Museum. Based on this, the conflicting interests of State and Church are obvious within these circles.

The Byzantine Museum also states that right or wrong the Dept. as our State authority must be supported and all criticism should be restrained and avoided for the sake of the international face of the Cypriot government and the efforts to continue repatriations. This is a fair and subtle diplomacy which should also be applied regarding WoT which is a very active institution abroad with a strong network and which relies on tips, diplomacy and voluntarism to operate; discrediting it would have dire consequences on its overall operation. There should be no reason for the State to be skeptical for the organization's motives since it has so far been of great help and has contributed immensely to the struggle for return and restitution of Cypriot cultural heritage.

I have a final, grave concern about this claim by the Dept.; in the case that all "antiquities" become State owned. Since the early 90's, leading up to the 2004

Referendum for the Annan Plan, and continuing to be supported by many political persons and parties today, the solution to the Cypriot Issue is put under the form of Bizonal Bicomunal Federation. If eventually established, and two equal principal States with sovereignty, property and jurisdiction are formed, do the now official, UN recognized, Turkish-Cypriot State owns these "State-owned antiquities" that are under their domain and jurisdiction? Does the Federal Government own these treasures or the constituent State?

As stated in the Statutory Map of the Church of Cyprus, Article 46, paragraph 5, the temples/churches that are abandoned or in decay belong to the District to which's region they reside. Where does the bi-communal solution draw the line where the Bishoprics of the now Turkish-occupied areas end, and where does the Efkaf regions begin? If churches, monasteries etc. that operate or operated at any point as mosques, are submitted by the Turkish-Cypriots as mosques will they be included in Efkaf's properties as it happened before during British rule? Do these churches stop being Church property if no longer in its District's regions or regarded as State property (as antiquities) and not Church property whatsoever? The Church, the State and the Exarchate must come together and examine these questions. Since the matter might create a ripple to a much bigger scale like the Cypriot issue the subject should be taken to Parliament and be presented for all PMs to comprehend the difficulties and dangers of a solution in the form of Bizonal Bicomunal Federation.

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## APPENDIX

1. Τετάρτιο από την τοιχογραφία της Ανακαθήωσης στον ανατολικό τοίχο του Νάρθηκος του Καθολικού (ναού) της Μονής της Παναγίας των Αγιωνών. Είκοσιεις την Θεώκο να πιάνει το χέρι του νεκρού Χριστού με να το ἀεικασθῆ. 12<sup>ος</sup> αἰώνας. (Βλ. Α. Παπαγεωργίου Ἡ Χριστιανικὴ Τέχνη ἐπὶ κατεχόμενα ἀπὸ τὸν Τσερκικό στρατό τμήτα τῆς Κύπρου, σελ. 441 ἀκ. 2)
2. Τετάρτιο από την τοιχογραφία κέρως στον ανατολικό τοίχο του νάρθηκος του Καθολικού της Μονής της Παναγίας Ἀγιωνώτισσας, κοντά στο εἰς χεῖρ. Ἡ τοιχογραφία βρισκόταν κάτω ἀπὸ τὴν τοιχογραφία τοῦ Ἐγκομένου ἐπὶ βόρειο ἄκρο τοῦ ανατολικῶ τοίχου (καὶ χρονοτοχογραφεῖ ἐπὶ 12<sup>ο</sup> αἰῶνα. (βλ. π.η. ἀκ. 1)

1. 45



*The Baroness Berridge*  
requests the pleasure of the company of

to a presentation  
"Blood, Treasure and Islamic State: War, Extremism and the Looting of Culture"  
followed by a lunch reception

in the Cholmondeley Room & Terrace  
on Tuesday 16<sup>th</sup> December, 2014  
at 12:30 - 14:30

on behalf of

**Walk of Truth**  
featuring Tasoula Hadjitofi

Please present this card with photo ID  
at Black Rod's Garden Entrance 46

RSVP  
info@walkoftruth.org  
079 1927 2021

2.

<sup>45</sup> Courtesy of Walk of Truth Archives

<sup>46</sup> Courtesy of Walk of Truth Archives

09/10/2018

Προς:

Αξιότιμη κ. Βασιλική Αναστασιάδου

Υπουργό Μεταφορών, Συγκοινωνιών και Έργων

Αγαιών 28, 1424,

Λευκωσία

Αξιότιμη κυρία Υπουργέ,

Επιθυμούμε διά της επιστολής αυτής να βάλουμε κάποια πράγματα στη θέση τους προς αποκατάσταση της αλήθειας, σε σχέση με τέσσερα σπαράγματα τοιχογραφιών, εκ των οποίων τα δύο σίγουρα συλήθηκαν από τα κατεχόμενα. Το κάνουμε πριν η συζήτηση εκτροχιαστεί ανεπίστρεπτα. Προκαταβολικά δηλώνουμε ότι στόχος μας είναι να επιστραφούν οι τοιχογραφίες τους νόμιμους ιδιοκτήτες τους. Επιφυλάσσουμε επίσης κάθε δικαίωμα να υπερασπιστούμε και το όνομα της κ. Χατζητοφή, αλλά και τον διεθνή οργανισμό του οποίου προΐσταται από κάθε κακόβουλη κίνηση.

Δεν είναι καθόλου η στιγμή να μιλήσουμε για αγνωμοσύνη κάποιων στο πρόσωπο της κ. Χατζητοφή, ούτε θα πρέπει να θεωρηθεί ότι αυτή η επιστολή έχει ως στόχο οποιαδήποτε αυτοπροβολή. Θα περιοριστούμε σε μια καταγραφή των γεγονότων. Πιστεύουμε ότι και γνώση έχετε και ευαισθησία διαθέτετε για να αντιληφθείτε τι αντιμετωπίζουμε αυτή τη στιγμή.

Η κ. Τασούλα Χατζητοφή, ιδρύτρια του οργανισμού Walk of Truth, εντόπισε τα τις τέσσερις τοιχογραφίες σε συλλογή στον Καναδά. Έπεισε τον κάτοχό τους να τα επιστρέψει στον νόμιμο ιδιοκτήτη τους, και εκείνος έστειλε τις τοιχογραφίες, το 2014, μέσω FEDEX, σε δωμάτιο ξενοδοχείου στο Λονδίνο, επ' ονόματι της, δηλώνοντας ότι επιθυμεί να παραμείνει ανώνυμος. Τα ψηφιδωτά ήταν σε κακή κατάσταση, έτσι το πρώτο βήμα της κυρίας Χατζητοφή ήταν να ζητήσει γνωμάτευση εμπειρογνώμονα σχετικά με την άμεση, σε πρώτο στάδιο (first-aid) αποκατάσταση των τοιχογραφιών, καθώς και τον τρόπο συσκευασίας τους, με στόχο τη μεταφορά τους. Ο συντηρητής, που γνωμάτευσε pro bono ήταν ο Laurence Morocco, ο οποίος είχε συντηρήσει τις τοιχογραφίες του Αγίου Ευφημιανού στο Menil Foundation, στο Χιούστον στα τέλη της δεκαετίας του '90. Η κυρία Χατζητοφή έχει καταβάλει προσωπικά όλα τα έξοδα

3.

της καθαυτό αποκατάστασης (η συντήρηση έγινε σε εργαστήριο στο Λονδίνο) και μεταφοράς, καθώς επίσης και της ασφαλούς φύλαξής τους, μέχρι σήμερα.

Οι τοιχογραφίες φωτογραφήθηκαν και ο Δρ Αθανάσιος Παπαγεωργίου, πρώην διευθυντής του Τμήματος Αρχαιοτήτων, επιβεβαίωσε ότι μόνο δύο εξ αυτών προέρχονται από την Εκκλησία της Αψιδιώτισσας στο κατεχόμενο μέρος της Κύπρου. (Βλ. επιστολή Παπαγεωργίου, **Παράρτημα 1**).

Από το 1987, όταν η κυρία Χατζητοφή δραστηριοποιήθηκε για τον επαναπατρισμό των Κυπριακών αρχαιοτήτων, είχε ενημερωθεί από την Νομική Υπηρεσία ότι οι θρησκευτικές αρχαιότητες της Κύπρου ανήκουν στην Εκκλησία της Κύπρου. Ως εκ τούτου, για κάθε επαναπατρισμό τον οποίο διεκπεραίωσε, η κυρία Χατζητοφή διέθετε πληρεξούσιο από τον αντίστοιχο Επίσκοπο ή Αρχιεπίσκοπο (βλ. συνημμένο πληρεξούσιο για τις τέσσερις εικόνες του Αντιφωνητή, που έφερε στην Κύπρο ο Επίσκοπος Πορφύριος το 2013, **Παράρτημα 2Α, 2Β**).

Πληρεξούσιο από τον Μητροπολίτη Λεμεσού για τον επαναπατρισμό της εικόνας της Πλατανιστάσας (επί δανεισμού, το 1974, στην Μητρόπολη Κυρηνείας) που επαναπατρίστηκε από την κυρία Χατζητοφή το 1998, **Παράρτημα 3**).

Πληρεξούσιο από τον Μακαριώτατο Χρυσόστομο Α', για έναρξη της υπόθεσης του Μονάχου, **Παράρτημα 4**.

Το 1997, αφού η κυρία Χατζητοφή διεκπεραίωσε την υπόθεση του Μονάχου, δηλαδή την ανεύρεση των αρχαιοτήτων που είχε διακινήσει ο αρχαιοκάπηλος Αϊντίν Ντικμέν, ξέσπασε διαμάχη ανάμεσα στην Εκκλησία και την Κυβέρνηση της Κύπρου για την ιδιοκτησία των αρχαιοτήτων. Ο τότε Αρχιεπίσκοπος την παρέπεμψε στον Τάσσο Παπαδόπουλο για νομική συμβουλή, και εκείνος επιβεβαίωσε ότι ο νέος νόμος περί αρχαιοτήτων δεν επηρέαζε το γεγονός ότι οι θρησκευτικές αρχαιότητες ανήκαν στην κυριότητα της Εκκλησίας.

Το 2014, όταν η κυρία Χατζητοφή κατάφερε να εξασφαλίσει τις τοιχογραφίες, ήταν φυσιολογικό να αποταθεί στην Εκκλησία της Κύπρου για να μάθει ποιος είχε την κυριότητα της Εκκλησίας της Αψιδιώτισσας. Η κυρία Χατζητοφή ανακάλυψε ότι οι τοιχογραφίες ανήκαν στον Πατριάρχη Ιεροσολύμων, που είναι ο νόμιμος ιδιοκτήτης της Εκκλησίας της Αψιδιώτισσας. Επικοινωνήσε, συνεπώς, με τον εκπρόσωπο του Πατριαρχείου στη Λευκωσία, Μητροπολίτη Τιμόθεο, αφού έκανε τις συστάσεις ο Μητροπολίτης Βασιλείος. Η κυρία Χατζητοφή εξασφάλισε την άδεια του Μητροπολίτη Τιμόθεου να παρουσιάσει τις τέσσερις τοιχογραφίες στη Βουλή των Λόρδων, τον Δεκέμβριο του 2014, στα πλαίσια συνεδρίου με τίτλο «Blood, Treasure and Islamic state: War, Extremism and the Looting of Culture» [«Αίμα, Θησαυρός και Ισλαμικό κράτος: Πόλεμος, Εξτρεμισμός και Ληλασία του Πολιτισμού»]. **Παράρτημα 5**

Στο συνέδριο αυτό συμμετείχαν πέραν των 200 διεθνών προσωπικοτήτων. Μεταξύ των ομιλητών ήταν η Βαρόνη Elizabeth Berridge, ο βαρόνος Serge Bremmers, κατηγορος για τα εγκλήματα στη πρώην Γιουγκοσλαβία, ο καθηγητής Willy Bruggeman, επικεφαλής της αστυνομίας του Βελγίου και πρώην διευθυντής της Europol, ο βρετανός βουλευτής David Burpawes και ο ειδικός σε θέματα νομοθεσίας περί αρχαιοτήτων καθηγητής Norman Palmer. Ανάμεσα στους βασικούς ομιλητές ήταν επίσης η Πρόεδρος του Walk of Truth κ. Τασούλα

Χατζητοφή. Το συνέδριο κατέληξε ότι χρειάζεται συνολική αλλαγή των νομοθεσιών για να καταστεί δυνατή η προστασία της πολιτιστικής κληρονομιάς των Λαών. Όλα τα έξοδα του συνεδρίου, τα οποία ανήλθαν σε 50.000, με εξαίρεση 5000 ευρώ που δόθηκε ως εισφορά από το Κυπριακό Υπουργείο Εξωτερικών, καλύφθηκαν από την εταιρία Octagon Professionals International B.V με έδρα την Ολλανδία η οποία είναι ιδιοκτησία της κ. Τασούλας Χατζητοφή.

**(Βλέπε σχετικό video Link).**

[https://www.youtube.com/watch?v=\\_tijgnBTbuE](https://www.youtube.com/watch?v=_tijgnBTbuE)

Οι τοιχογραφίες κινηματογραφήθηκαν και το σχετικό φιλμ προβλήθηκε επανειλημμένως, συμπληρωματικά προς τις διαλέξεις της κ. Χατζητοφή στα Πανεπιστήμια Χάρβαρντ, Φλέτσερ και άλλα πολλά έκτοτε. Τα έξοδα παραγωγής του φιλμ πληρώθηκαν εν μέρει από το Υπουργείου Εξωτερικών, από το κονδύλι που προοριζόταν για τη Διαφώτιση.

Ο Δρ Παπαγεωργίου δεν μπόρεσε να ταυτοποιήσει την προέλευση των άλλων δύο τοιχογραφιών, όπως ούτε και ο κ. Μπακιρτζής ή ο κ. Περδίκης. Τα ανεβάσαμε, λοιπόν, στα μέσα κοινωνικής δικτύωσης και διεξαγάγαμε ειδική καμπάνια προκειμένου να εξασφαλίσουμε πληροφορίες για την προέλευσή τους. Μέχρι σήμερα, δεν υπάρχουν τεκμήρια γι' αυτό το θέμα: μόνο αντικρουόμενες απόψεις εμπειρογνομόνων.

Το Τμήμα Αρχαιοτήτων απέστειλε μήνυμα, καλώντας την κυρία Χατζητοφή να προσλάβει επαγγελματία φωτογράφο και να αποστείλει τις φωτογραφίες στο Τμήμα, πράγμα το οποίο και έκανε. Το Τμήμα Αρχαιοτήτων άρχισε εκ νέου να αμφισβητεί την κυριότητα της Εκκλησίας, και να υπαινίσσεται ότι η κυβέρνηση είναι ο νόμιμος ιδιοκτήτης. **Παραρτήματα 6 και 7**

Πέρα από τα προβλήματα κυριότητας στόχος της κ. Χατζητοφή ήταν όπως οι τοιχογραφίες επιστρέψουν στην Κύπρο και στους νόμιμους ιδιοκτήτες τους.

Οι Βρετανοί πολιτικοί, David Burrowes και Λαίδη Berridge, υποσχέθηκαν να συνοδεύσουν τις τοιχογραφίες στην Κύπρο, και η κυρία Χατζητοφή άρχισε να οργανώνει την επιστροφή τους, με παραλήπτη τον Πρόεδρο της Κυπριακής Δημοκρατίας, ο οποίος θα αναλάμβανε να τις παραδώσει στους νόμιμους ιδιοκτήτες τους. Το Τμήμα Αρχαιοτήτων παρενέβη, ισχυριζόμενο ότι οι τοιχογραφίες ανήκουν στην Κυβέρνηση της Κύπρου.

Η κυρία Χατζητοφή αμφισβήτησε τη συγκεκριμένη ερμηνεία και η παράδοση των τοιχογραφιών αναβλήθηκε από την Κυβέρνηση. Ένα χρόνο μετά, οι τοιχογραφίες αποτέλεσαν θέμα συζήτησης στο Δημαρχείο του Λονδίνου, επί δημαρχίας Μπόρις Τζόνσον, όταν συστήναμε την Πολυκομματική Κοινοβουλευτική Ομάδα για την πολιτιστική κληρονομιά, η ημερήσια διάταξη της οποίας καθορίζεται από τον οργανισμό Walk of Truth. Ο Μπόρις Τζόνσον συζήτησε το ενδεχόμενο να συνοδεύσει τον David Burrowes για να επιστρέψουν τα ψηφιδωτά, και η κυρία Χατζητοφή άρχισε ξανά να προβαίνει στις απαραίτητες διευθετήσεις. Ωστόσο, δεν ορίστηκε ημερομηνία, καθότι συνεχιζόταν η διαμάχη για το θέμα της κυριότητας. **Παράρτημα 8 και 9.**



Τον Απρίλη του 2016, η κυρία Χατζητοφή επισκέφθηκε την Κύπρο με τη Λαίδη Berridge, ενώ εισηγήθηκε ξανά να φέρει μαζί της τις τοιχογραφίες. Και πάλι όμως, οι ημερομηνίες δεν επιβεβαιώθηκαν, καθώς το θέμα της ιδιοκτησίας παρέμενε άλυτο. Η κυρία Χατζητοφή έλαβε την πρωτοβουλία να συναντηθεί με την κυρία Ιερωνυμίδου, και έγραψε επανειλημμένως στις Κυπριακές αρχές. Δυστυχώς μέχρι σήμερα το θέμα παραμένει άλυτο. **Παράρτημα 10**

Φέτος, η κυρία Χατζητοφή αιτήθηκε ξανά συνάντησης, πριν το καλοκαίρι, στην παρουσία όλων των κομμάτων. Αντιθέτως, η κυρία Ιερωνυμίδου την δέχτηκε στο γραφείο της, στην παρουσία της κυρίας Πηλίδου και του κυρίου Γιώργου Φιλοθέου. Στη διάρκεια της συζήτησης, και οι τρεις επέμεναν ότι σύμφωνα με τον νόμο (τροποποίηση του περί Αρχαιοτήτων Νόμου αναφορικά με την ερμηνεία «αρχαιότητα» (Άρθρο 2 του βασικού Νόμου) έγινε για εναρμόνιση με τον περί της Επιστροφής των Πολιτιστικών Αγαθών Νόμο (Ν. 183 (I) 2002) και σύμφωνα με τις σχετικές οδηγίες της Ευρωπαϊκής Κοινότητας, όπου αρχαιολογικά αντικείμενα καθορίζονται «ηλικίας άνω των 100 ετών») τα ψηφιδωτά ανήκουν στην κυβέρνηση. Η κυρία Χατζητοφή ζήτησε γνωμάτευση από τον έντιμο Γενικό Εισαγγελέα της Δημοκρατίας, προς επιβεβαίωση της συγκεκριμένης θέσης, ή επιστολή από τον εξοχότατο Πρόεδρο της Κυπριακής Δημοκρατίας, η οποία να δηλώνει ότι θα παραδώσει τις τοιχογραφίες στον νόμιμο ιδιοκτήτη τους. Μέχρι σήμερα δεν λάβαμε οτιδήποτε επί τούτου. Με έκπληξη μάλιστα διαβάσαμε την επιστολή του δημοσιογράφου Αριστείδη Βικέτου προς εσάς με την οποία δίνεται η εντελώς λανθασμένη εντύπωση ότι το Walk of Truth και η κ. Χατζητοφή αρνούνται τον επαναπατρισμό των τοιχογραφιών, το οποίο ουδόλως ανταποκρίνεσαι στην πραγματικότητα. Το Τμήμα Αρχαιοτήτων φαίνεται να έχει την εντύπωση ότι οι επαναπατρισμοί των κλεμμένων θησαυρών που πέτυχε τα τελευταία 30 χρόνια η κυρία Χατζητοφή ήταν λανθασμένοι, και ότι όλοι οι νομικοί, ξένοι δικηγόροι, κληρικοί, αρχιεπίσκοποι κτλ., λανθασμένα θεώρησαν ότι οι θρησκευτικές αρχαιότητες δεν ανήκουν στο κράτος και ότι ο νόμιμος δικαιούχος τους είναι η Αυτοκέφαλη εκκλησία της Κύπρου. **Παράρτημα 11.**

Επιπρόσθετα, πληροφορούμεθα ότι οι τοιχογραφίες έχουν χρησιμοποιηθεί με αρνητικό τρόπο κατά του οργανισμού Walk of Truth και ότι άτομα στο Τμήμα Αρχαιοτήτων έχουν δώσει λανθασμένες πληροφορίες σε τρίτα μέρη, από ακαδημαϊκούς μέχρι διευθυντές μουσείων στο εξωτερικό, και διπλωμάτες. Σημειώστε, παρακαλώ, ότι το Τμήμα Αρχαιοτήτων δεν ρώτησε ποτέ την κυρία Χατζητοφή για τις δαπάνες που απορρέουν από την άμεση αποκατάσταση, πλαισίωση και μεταφορά των ψηφιδωτών σε ασφαλές μέρος για φύλαξη. Επίσης το Τμήμα Αρχαιοτήτων αμφισβητεί την αξίωση του Πατριάρχη Ιεροσολύμων για την κυριότητα των τοιχογραφιών. Εξ όσων πληροφορούμαι πρόσφατα ο Πατριάρχης Ιεροσολύμων απέστειλε επιστολή προς εσάς επαναλαμβάνοντας τη θέση του περί ιδιοκτησία των τοιχογραφιών.

Ο οργανισμός Walk of Truth είναι έτοιμος να παραδώσει τις τοιχογραφίες στο νόμιμο ιδιοκτήτη τους, αφού το ιδιοκτησιακό καθεστώς καθοριστεί από τον έντιμο Γενικό Εισαγγελέα.

Το Τμήμα Αρχαιοτήτων αξιώνει να του κοινοποιούμε οποιαδήποτε πληροφορία εξασφαλίζει ο οργανισμός Walk of Truth. Με κάθε σεβασμό, η πρόσφατη εμπειρία καταδεικνύει ότι το Τμήμα Αρχαιοτήτων δεν ενεργεί με την ανάλογη σπουδή και δεν προβαίνει στις κατάλληλες ενέργειες

στο σημαντικό αυτό θέμα. Συγκεκριμένα, όταν ενημερώσαμε το Τμήμα Αρχαιοτήτων για την παράνομη πώληση στις ΗΠΑ από την κόρη του Επίτιμου Προξένου της Κύπρου, τεχνουργημάτων από το Κυπριακό Μουσείο, το Τμήμα Αρχαιοτήτων όχι μόνο απέτυχε να αναχαιτίσει την πώληση, αλλά σταμάτησε τον οργανισμό Walk of Truth και τους εμπειρογνώμονές του από το να παρέμβουν. Ο οργανισμός μας επικοινωνήσε με την πρεσβεία της Κύπρου στην Ουάσιγκτον, να προειδοποιήσει για την πώληση των εκθεμάτων του μουσείου στο Τζακσονβιλ και ότι ο αριθμός της πρεσβείας ήταν το ο αριθμός επικοινωνίας που αναγράφεται στον κατάλογο του οίκου δημοπρασιών. Η πρεσβεία δεν ήταν καν ενήμερη για το θέμα, ότι δηλαδή ο επίτιμος μας πρόξενος και η κόρη του ήταν έτοιμοι να πωλήσουν τη συλλογή αρχαιοτήτων του μουσείου τους. Η Πρεσβεία μας στην Ουάσιγκτον ομολογουμένως υπήρξε πολύ υποβοηθητική στην προσπάθεια μας να σταματήσουμε αυτή την πώληση. Η έλλειψη συντονισμού όμως μεταξύ των αρμοδίων αρχών στην Κύπρο, είναι μεγάλο θέμα, υπαρκτό από τη δεκαετία του 1990, κάτι που δυστυχώς συνεχίζεται μέχρι σήμερα. **Παράρτημα 12**

Η κυρία Χατζητοφή προσβλέπει σε συνάντηση μαζί σας και σε γνωμοδότηση του έντιμου Γενικού Εισαγγελέα η οποία θα δώσει οριστικό τέλος στο ιδιοκτησιακό καθεστώς των τοιχογραφιών ούτως ώστε να μπορέσουν επί τέλους να επαναπατριστούν.

Μετά τιμής,

p/p

*Alexandra Rodriguez*

Εκ μέρους του Δ.Σ. του οργανισμού Walk of Truth

Κοιν.:

- Μακαριώτατος Χρυσόστομος Β, Αρχιεπίσκοπος Νέας Ιουστινιανής και πάσης Κύπρου
- Σεβασμιότατος Μητροπολίτης Βόστρων, κ. Τιμόθεος
- Αξιότιμος Υπουργός Εξωτερικών της Κυπριακής Δημοκρατίας, κ. Νίκος Χριστοδουλίδης
- Αξιότιμος Γενικός Εισαγγελέας της Κυπριακής Δημοκρατίας, κ. Κώστας Κληρίδης
- Θεοφιλέστατος Επίσκοπος Νεαπόλεως, κ. Πορφύριος
- Διευθύντρια Τμήματος Αρχαιοτήτων, κ. Μαρίνα Σολομίδου-Ιερωνυμίδου



4.



PRESS RELEASE

The Hague, 22.1.2019

#### **Four looted frescoes delivered to the Republic of Cyprus**

In the context of a special ceremony held at the Embassy of Cyprus in the Hague on 21 January, the Walk of Truth Foundation delivered four fragments of frescoes that had been looted after the 1974 Turkish invasion, then illegally traded on the world art market before they could be recovered by a Canadian art collector, several decades later.

Acting on a tip from the antiquities trade, Tasoula Hadjitofi, founder of the Walk of Truth, approached the collector informing him that his frescoes were looted. Hadjitofi didn't know exactly what he had in his possession, and was surprised when four frescoes were delivered to her London hotel room by Fedex in 2014. The collector's only conditions were that he wished to remain anonymous and that the frescoes should return to their rightful owner. The frescoes have since been restored and stabilized for travel at the Foundation's own expense, then kept in specially designed areas.

The Cypriot Minister of Transport, Communications and Works, Vassiliki Anasstasiadou, accepted the frescoes on behalf of the President of the Republic. In her speech, the Minister thanked the Walk of Truth and its founder, Tasoula Hadjitofi, for her efforts towards the repatriation of stolen cultural treasures, whilst expressing the government's intention to support such well-intentioned efforts.

Delivering the frescoes to the Minister, Walk of Truth founder, Tasoula Hadjitofi, pointed out *inter alia* that repatriation entails collaboration of various bodies on the basis of mutual trust. By founding the Walk of Truth, she said, she succeeded in building a network of trust involving prominent personalities, jurists, politicians, archaeologists and ordinary people in a bid to protect cultural heritage on an international level. With the same trust shown in her by all, she said, she delivers the four frescoes to the Minister so that she may deliver them to the Cyprus people.

"We are delighted that these fragments of frescoes are returning home, more than 40 years after they were illegally removed. Their story is one of violence, loss and displacement – a narrative they share with refugees from war. The beginning of their long journey home is a

cause for celebration. Every item repatriated is a piece of Cypriot heritage and identity recovered for future generations.”

Two of the four frescoes have been identified as belonging to the church of Panagia Apsinthiotissa, a Greek Orthodox monastery situated in the northern occupied part of the island. Probably established in the eleventh or twelfth century as a Byzantine imperial foundation, the monastery was named after the absinthe, or wormwood, that grew there. After the Ottoman conquest, the monastery became the property of the Greek Orthodox Patriarchate of Jerusalem and has remained under its spiritual jurisdiction ever since. The church was partly destroyed in the eighteenth century, but a few of its frescoes survived. Two of the frescoes to be repatriated depict the Virgin Mary attending the Deposition of Christ, and an image of a Martyr.

The third fresco in all likelihood originates from the Church of Panagia in occupied Assia whilst the provenance of the fourth one remains unknown. “It is unusual for holders of looted antiquities to relinquish them voluntarily,” Hadjitofi says. “We are grateful to this collector for his generosity”. Sadly, The Apsinthiotissa frescoes cannot return to the church from which they were stolen. In the meantime, they have served as cultural ambassadors for Cyprus, as they were exhibited in the U.K. House of Lords in the context of a debate about cultural heritage destruction in conflict zones. It is our hope that they will now be displayed in a context that restores them to their original role as part of a religious experience, given that Greek Orthodox Christians traditionally view icons, frescoes and mosaics as a window into the Heavenly Kingdom.

In his own speech at the event, Dr Willy Bruggeman, President of the Belgian Federal Police Board, and member of the Board of the Walk of Truth, has pointed out the following: “The prevailing wisdom today is that illegal excavation and trade in archaeological objects is destroying our world cultural heritage. The illicit antiquities trade is nowadays estimated to be a \$4 billion enterprise; however, UNESCO suggests that the number may be closer to \$6 billion. In general, plunder of antiquities during and following military and other conflicts is by no means a recent phenomenon. Several studies, both ongoing and published, link antiquities traffickers to a range of serious crimes, including terrorism, corruption, money laundering, prostitution, the smuggling of drugs and, nowadays, even more and more to organised crime in general.”

He also wondered: “Why is the Walk of Truth (and the Cultural Crime Watchers) worldwide so important and what makes it unique and specific? It is unique because the activities of this NGO as a non-profit organisation are based on strict ethical rules and banning any illegal step in their procedures. It is specific because Walk of Truth is not only bringing back home as we see today looted art but also campaigning against the problem of art trafficking. The Walk of Truth and its partners are also effective because they lobby for law legislation: we have been listened to and have been successful in changing legislations in Holland, the UK and in influencing policies at EU level”.

David Burrowes, a politician and former British MP, a friend of Cyprus, referred to the event titled

'Blood, Treasure and Islamic State: War, Extremism and the Looting of Culture' held in 2014 at the House of Lords in England, where the four frescoes had been exhibited in the presence of parliamentarians, and experts in the field of cultural heritage and trafficking of illicit art. The event, Mr Burrowes said, resulted in political pressure for action which, on 12 September 2017,

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led to the United Kingdom officially becoming party to the Hague Convention for the Protection of Cultural Property.

Speaking on behalf of the Church of Cyprus and the Patriarchate of Jerusalem, Bishop Porfyrios of Neapolis thanked the Walk of Truth and its founder, Tasoula Hadjitofi, for the delivery of the four frescoes.

Captions:

*Walk of Truth Release01*

The Ambassador of Cyprus to Holland, Mr Elpidoforos Economou, the Minister of Transport, Communications and Works, Mrs Vassiliki Anasstasiadou, and Tasoula Hadjitofi, Walk of Truth founder.

*Walk of Truth Release02*

Bishop Porfyrios of Neapolis, the Minister of Transport, Communications and Works, Mrs Vassiliki Anasstasiadou, Tasoula Hadjitofi, Walk of Truth founder, David Burrowes, Dr Willy Bruggeman, President of the Belgian Federal Police Board and Walk of Truth Board member.

**For high resolution photographs of the frescoes, please send an email to [info@walkoftruth.org](mailto:info@walkoftruth.org)**

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5. A.Viketos questionnaire to Mr. Prodromos Prodromou 28<sup>th</sup> of November 2018

“Q: Under what law of the Republic of Cyprus do Mrs. Tasoula Hadjitofi and/or Walk of Truth have the frescoes?

A: There is no legislation permitting the possession or retention of the frescoes by either a private individual or a private organization. The fact that both the Church and the Department of Antiquities claim to have a say about these frescoes does not justify anyone else being involved. It is a matter for the State to decide.

Q: Although Mrs. Hadjitofi expresses intent on repatriating frescoes, what does their withholding for four years mean?

A: The possession of frescoes, regardless of intentions, constitutes a violation of the law. The whole issue is dealt with by the Prosecutor General's office, as there may be criminal offenses. The Attorney General's opinion is expected.

Q: Is the maintenance of frescoes a work of Mrs. Hadjitofi and a private conservator or the Department of Antiquities, as has been done in all other cases?

A: The maintenance of frescoes is always the responsibility of the State services.

Q: Regardless of the question of the legitimate owner, which Mrs. Hadjitofi uses as justification for non-repatriation, was the State not obligated to take action and take the necessary steps to ensure their repatriation?

Q: Why haven't these measures been taken and, as a result, the impression is given that the state does not apply the relevant legislation for the repatriation of cultural heritage sites which have been sacked and illegally exported from Cyprus?

Q: Has Mrs. Hadjitofi given any specific data on the last two shards from Kanakaria?

A: The state and the competent services are constantly monitoring the issue and taking appropriate action. The fact that the case is before the Attorney General shows that the issue is being properly dealt with. That's why, because the matter is being handled by the Attorney General's Office, it is not appropriate to make any further comments; a common answer to all three of the above questions.”<sup>49</sup>

6. Department of Antiquities Press Release 6<sup>th</sup> of December 2018.

“...There was no conflict between the State and the Church about the ownership of these cultural objects. Moreover, this is not the essence of the matter. The primary objective was, and remains, the return of the frescoes that have been removed illegally from our occupied areas. The Antiquities Law stipulates that antiquities as defined in Article 2 and in accordance with Article 3 should be handed over to the Department of Antiquities. Because the antiquities have been held by the particular private organization for four years, without taking into account the appeals of the Department of Antiquities for their delivery, the Attorney-General's judgement was sought. The judgement confirms that as long

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<sup>49</sup> VIKETOS, Aristides, «Π.Προδρόμου: Παραβιάζει την νομοθεσία η κ. Χατζητοφή», 28 November, 2018, Nicosia, <http://aviketos.com/p-prodromoy-paraviazei-tin-nomothesia-i-k-t-chatzitofi/>

as the antiquities are not retained by the legal owner, all necessary steps should be taken to return the stolen to the Department of Antiquities as the competent Department for Repatriation and that the illegal possession of property is a criminal offense. In other words, what the Department of Antiquities calls for is the application of the law on the return of frescoes to their homeland so as to ensure that they are preserved until they are repositioned where they belong.

Any controversy and incomplete information can cause only damage to the efforts being made to repatriate our cultural treasures. In this case, the Department of Antiquities, as the competent authority of the Republic of Cyprus for the management of antiquities, applies the law without any discrimination.”<sup>50</sup>

7. Tasoula Hadjitofi interview in the Phileleftheros newspaper on the 23<sup>rd</sup> of December, 2018. The interview was conducted by journalist Antigoni Solomonidou-Drousioti

“In the criminal circles of illicit art trade, profit unites enemies and turns them into collaborators, same as the thirst for power which unites those who put their own interests over the common good. Common values unite people beyond their country’s borders, when on the contrary; self-interest divides people even inside the family. The underworld (smugglers) has a vision, profit and, even though they fight amongst themselves, if there’s an opportunity to make money, they will reconcile for a while. We, on the other hand, are divided before, after and during every repatriation and the smugglers know it.”

The interviewer asks about the case of the Four Frescoes:

Q. When will the four frescoes you currently have in your possession be returned to Cyprus?

A. We do not possess the frescoes, we have them stored and under our protection until they are returned to Cyprus. Two of them come from the Monastery of Panagia Apsinthiotissa, at Sihari, and we are in direct communication with the President’s Office through the Cypriot Ambassador in Holland, Mr. Oikonomou, to give us a date for delivery to the President or the Minister of Foreign Affairs.

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<sup>50</sup> Department of Antiquities official Facebook page, press release, SUBJECT: FRESCOES FROM THE MONASTERY OF PANAGIA APSINTHIOTISSAS AT SIHARI AND OTHER CHURCHES OF CYPRUS IN THE POSSESSION OF THE PRIVATE NON GOVERNMENT ORGANIZATION WALK OF TRUTH, 06, December, 2018,  
[https://www.facebook.com/DEPARTMENTOFANTIQUITIES/posts/2268541513377125?\\_xts=%5B0%5D=68.ARDML1qlye2mn9tt3VunUtK1GIBnDAhsRogjtsZGsf0XRLh-GsbF\\_Jt4JhAEDVtnmUhHEiTcm\\_XcKU8lkKRfJLHvcYjc6D067RxtX24jfTnGNf-rbXwsR9czoPMs4DI92HlrtgYCxTif\\_dtJgQQR3Jw8y-a5bKJIQtYC-KnxYH\\_3ydTeGOYB8OuibYbfx4BR8tgoPCko5e1iYxpfj5SPuAVzQ70Hq\\_nTz--P9M\\_abRUoYMGeILG4Yvt\\_CWEzcM3FCdVLro-9wYypqNcUwiJqWqB47ekSGkyswUVd8wBhBvRPm2VR3ONyXJzSISio2piV5bhZvnSbZPr2CNasrbrjSt8dojU&\\_tn\\_=K-R](https://www.facebook.com/DEPARTMENTOFANTIQUITIES/posts/2268541513377125?_xts=%5B0%5D=68.ARDML1qlye2mn9tt3VunUtK1GIBnDAhsRogjtsZGsf0XRLh-GsbF_Jt4JhAEDVtnmUhHEiTcm_XcKU8lkKRfJLHvcYjc6D067RxtX24jfTnGNf-rbXwsR9czoPMs4DI92HlrtgYCxTif_dtJgQQR3Jw8y-a5bKJIQtYC-KnxYH_3ydTeGOYB8OuibYbfx4BR8tgoPCko5e1iYxpfj5SPuAVzQ70Hq_nTz--P9M_abRUoYMGeILG4Yvt_CWEzcM3FCdVLro-9wYypqNcUwiJqWqB47ekSGkyswUVd8wBhBvRPm2VR3ONyXJzSISio2piV5bhZvnSbZPr2CNasrbrjSt8dojU&_tn_=K-R)

Q. Why did you keep them all these years?

A. Because the person who bought them asked Walk of Truth to deliver them to their lawful owner. According to the Antiquities Law religious treasures belong to their respective Bishop. These particular frescoes belong to the Monastery of Panagia Apsinthiotissa which is owned by the Patriarchate of Jerusalem and have as representative in Cyprus Metropolitan Timotheos, in Nicosia. Even though there are excellent relations between the representative of the Patriarchate, the Bishop of Kyreneia, the Church of Cyprus and us, the Dept. of Antiquities, since 2015, has been disputing their ownership, so our Organization was trapped. Every effort to deliver to the President was obstructed by the Dept. until the Presidential office intervened with the announcement that they will receive them.

Q. From where do the other two frescoes come from?

A. Although we believe them to be from Cyprus, there is no evidence from which church they derive. Our organization had to guarantee the wish of the donor to deliver them to their owner. According to International and Dutch Law, Cyprus can have them back only by the good will of the donor and our organization, because legally Cyprus cannot claim them because they simply believe to be Cypriot.

Q. Will only two of the frescoes return?

A. No, I ensured from the donor for all four to be returned as soon as we are given a date. The frescoes have been ready since 2015, professionally packaged and waiting to return home, like every refugee in the world.

**8.** Tasoula Hadjitofi speech 21<sup>st</sup> of January 2019 in the Cypriot Embassy in The Hague Netherlands during the Repatriation Ceremony.

Madam Minister, Mr Ambassador, Distinguished Ladies and Gentlemen

Thirty years ago (today/ 1989?) - here in The Hague - I had the honor of standing witness to the return of xx stolen icons that were retrieved in a spectacular sting-operation in Munich. A joint effort of authorities here in my home country, the Netherlands, and my native country, Cyprus, together with the German and international law enforcement authorities brought these unique antiquities back to where they belong.

Today, a humbler occasion, but no less important, we come back and return again some unique artefacts to its place of origin. It is to this cause that I have devoted a large part of my life over the last three decades. That's why I feel honoured to stand here and speak to you. But I'd much rather the frescoes, that are the real reason why we are here again, speak for themselves. I hope you share my excitement. The frescoes that you see before you have been on a long journey through time and space. At least two of them come from a beautiful stone monastery that was founded about 1,000 years ago by faithful people whose names we will never know: people who felt that the highest purpose of all art, architecture and creative activity was to proclaim their Christian faith and offer glory to their Creator.

The story of this monastery reveals many things. It reflects an intense popular devotion to the protective power of the Virgin Mary, and to the idea that faithful

artists can and must strive to depict the sacred figures of Jesus Christ, his mother, and his disciples and saints down the ages. The aim of these faithful iconographers was not to create attractive decorations or to show off their own talents. They wanted to open a window onto a divine world. Whenever this work succeeded in its aim, the result was a miraculous moment of encounter between the material and the spiritual whose impact could be felt for centuries afterwards – by anyone who approached these images in a spirit of reverence and used them to guide their prayers. And from the very beginning, this work attracted enemies, people who hated or despised sacred images, as well as grateful followers.

According to popular tradition, an icon of the Virgin Mary was hidden in a cave during the era of iconoclasm, a time in the eighth century when thousands of holy images were destroyed by their opponents. Luckily for future generations, Cyprus was protected from the worst of this fury because it had an independent church – an asset that the Dutch, with their own historical separation of church and state, will surely appreciate. Anyway, the entrance of that cave was in turn hidden by a wormwood bush, a plant we call *apsinthia* in Greek. But local people saw a light glowing at night from this part of the mountain, a sign that something very holy had been sheltered there. A monastery dedicated to the Mother of God, the Panayia, was duly built just below the cave. Over the following three centuries, its walls were decorated, creating sacred scenes which would gleam in the candle-light when believers crowded into the church on important feast days.

In our own times, we have seen deeds of cultural vandalism that exceed the worst acts of vandalism committed by the early iconoclasts. After 1974, when Turkey invaded Cyprus, looters took hammers and drills to those hallowed walls in order to chop up and sell the priceless art-works to wealthy buyers in cities like this. We know that two of the icons you now see were hacked away from the church I have been describing. The other two are also known to be from Cyprus, and there is every reason to suppose that they once adorned a church and then suffered a similar fate. Even more recently, similar acts of desecration, vandalism and looting, involving objects which are held dear by millions of people, have taken place in other war zones, from Iraq to Syria to Afghanistan, Mali and Yemen. They have been motivated by a mixture of ideological fanaticism, personal greed and the need to finance terrorist activities.

I founded Walk of Truth, as an NGO dedicating to protecting cultural heritage in danger. In our eight years of existence, I have been reminded that the global trade in precious cultural and spiritual artefacts brings out the best and the worst in human nature. I have been amazed by the cynicism of people who practice this trade for personal profit, and also by the selfless goodness of those who in one way or another combat this trade.

Let us return for a moment to frescoes which are now in front of you. I think we can agree that all cultural looting is deplorable but some versions of this crime are exceptionally vile. Taking advantage of war, revolution or anarchy to steal and sell a portable wooden icon, or some other easily transportable object, is bad enough. Unfortunately it has happened countless times when individuals caught up in chaotic situations succumbed to temptation, or perhaps to desperation. But taking a drill to



the wall of an ancient place of worship, with the conscious intention of damaging that building irreparably and reaping huge rewards from doing so, is surely an exceptional form of cold-blooded wickedness.

As a young refugee from Famagusta, at the beginning of my new life in the Netherlands, I had a strong, almost indescribable feeling of horror and violation when I first saw wooden icons from Cyprus that had been stolen under cover of war and sometimes damaged before being traded on the art market. But there is a particular revulsion which comes with seeing works of art which have gouged out of a stone wall, with the plaster still crumbling.

That is what I felt in 2014, when I received these four frescoes from a Canadian collector. I had persuaded this collector that it was his moral duty to surrender them. It was his wish that the frescoes be delivered to their rightful owner, and Walk of Truth has worked hard to fulfil that wish, even though the process has been a complicated one. Walk of Truth used its own resources to limit the damage to these wounded objects, by employing the services of world-leading conservators to carry out emergency first-aid and stabilize their condition. But in the course of this complex process, the frescoes have taken on a new role. They have become ambassadors for the damaged but miraculously resilient patrimony and culture of Cyprus. In a sense, they have been ambassadors for the damaged heritage of all war zones.

Soon after their recovery, with the blessing and encouragement of the Patriarchate of Jerusalem under whose jurisdiction the monastery fell, these four frescoes were displayed at an event in Britain's House of Lords where 200 prominent personalities from the worlds of politics, academia, law and religion gathered to consider issues of culture and war.

This proved to be a landmark gathering. With vital assistance from David Burrowes, a prime mover of the new All Parliamentary Group on Cultural Heritage, British legislators were persuaded in 2015 to ratify the Hague Convention on the return of cultural objects looted in time of war. Britain was the last major country which had failed to join that convention, and its participation sent a powerful moral signal at a time when Islamic State fanatics were doing appalling damage to the cultural monuments of Iraq and Syria.

It is an honour that a distinguished fighter for human rights, Baron Serge Brammertz, a leading war-crimes prosecutor stated clearly that deliberate damage to cultural heritage violated the laws of war and could constitute evidence of genocide when combined with ethnic cleansing.

In the story of those frescoes, one of the most important points is this: the possessor agreed to surrender these precious works without asking for any compensation or recognition. It has been my experience that people who find themselves in possession of looted treasures are often willing to make such unconditional acts of restitution, once they are presented with clear moral arguments. Often though middle men and controversial dealers keep the possessors or collectors away from the authorities or people like myself so they can capitalize on selling their information.

That is one reason why I firmly believe that offering money to recover looted cultural objects is something that should be avoided, except if it is for nominal values for tips rewards leading to successful repatriations. If you read my book, *The Icon Hunter*,

you will see that in cases where money was offered, it was only done as part of a broader strategy whose aim to expose and bring to justice the godfathers of the art-trafficking business. On the strength of my 30 years of experience, I would urge the Cypriot authorities to avoid entering financial bargains with people who offer to deliver looted art treasures.

But all this also demonstrates the need for a better regulated and more closely monitored art trade, particularly in antiquities. Museums and culture officials across Europe are currently engaged in heated debate about artefacts obtained unlawfully in the colonial era, thanks to French President Emmanuel Macron's brave initiative to hand back African heritage. We at Walk of Truth are working hard to correct more recent wrongs in the field of cultural heritage by promoting ethical trade, advocating for legislative change, and encouraging vigilance by collectors, dealers, and ordinary citizens.

In the case of these frescoes, the Canadian possessor demanded no money. He simply requested to be kept anonymous and we have respected that request. Now these precious objects are returning to their land of origin, to the care and responsibility of their country's elected and internationally recognised leader. They have told their story, to a surprising variety of prominent and ordinary people in distant lands, and now they are going home. As a refugee myself, who was forced to abandon my home, my way of life, everything I held dear when I fled Famagusta in 1974, that is all I desire.

To tell my story, which is also the story of all refugees whose culture and way of life has been desecrated, and then to go home.

Show cover of book.....

"You can take that girl out of the city ..... But you can NEVER take the city out of that girl...."

It is for this reason that I setup the Walk of Truth foundation and gathered around me people around the world who share my values. We are devoted to countering the ongoing destruction and looting of cultural heritage by engaging the public to spread awareness of the value of our shared patrimony and the responsibility of each of to protect it. We are now aiming to take our organization to the next level in cooperation with partners around the world. Together.....we shall fight for human rights, using cultural heritage as our language. Thank you and I hope you will join our Peaceful army of volunteers to create a better world, a world of respect for the diversity of each other.

ENDS<sup>51</sup>

## 9. Dr. Stelios Perdikis interview on the 10<sup>th</sup> of December 2018

"Archangelos" Foundation was founded by present Bishop Nikiforos of Kykkos Monastery.

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<sup>51</sup> Courtesy of Walk of Truth Archives

Q. Who is the lawful owner of the frescoes” he replied:

A. It is very clear that these are ecclesiastical heirlooms, they belong to the Church of Cyprus that has a specific Order through the Cypriot Constitution and especially regarding the management of its properties so the State cannot claim them. For example, without the Church’s consent, even today, the State cannot even expropriate Church property. So far all property of religious character was delivered to the Church, that’s why the Dept. of Antiquities doesn’t have any icons in its Museum or any other religious artefacts. They don’t even keep archives of such objects.”

Q. But the Dept. of Antiquities argues that all objects over 100 years old are “antiquities” which makes them State-owned. Is this simply a matter of who will co-ordinate their repatriation and deliver them to the Church? What is the position of the Church?

A. Objectively and practically this is a non-issue. Such an issue has no precedent in the history of the Republic of Cyprus since 1960. Never has a Director of the Dept. of Antiquities ever claimed ecclesiastical artworks as State ownership. I don’t know why they’re doing that now. Every religious artefact that is repatriated is delivered to the Archbishopric or its corresponding Bishop. How can they claim them when they know they are understaffed, malmanaged and disorganized? They have a serious problem with record-keeping (mentions an incident concerning complaints about the record-keeping of the Dept. in the Paphos Museum, summer of 2018). They should be pressuring the Church to organize and manage these matters themselves or under their (the Church’s) supervision, but instead they create issues of possession and ownership. This claim is, in my opinion, ridiculous. About fifteen years ago when the old conservators of the Dept. retired they moved their restoration labs to the Hadjigeorgaki building, where they used to restore icons among other things, many undocumented icons were found. A catalogue was issued by the Dept. and given to Bishoprics asking for information for the icons. The ones that were identified passed to their corresponding Bishopric and the ones that remained unidentified were also subsequently given to the Archbishopric.”