

Let down by the government

DEAD SOLDIER'S FAMILY AWARDED DAMAGES FOR STATE'S FAILURE TO PROBE DISAPPEARANCE OF LOVED ONE

By **Philippos Stylianou**

In a landmark court case, the Republic of Cyprus was ordered to compensate the family of a heroic National Guard reservist for failing to carry out an investigation into his whereabouts following the 1974 Turkish invasion.

Christofis Vasiliou Pashias, 29 at the time, was killed on August 14, 1974 and although his body was recovered it was not identified. He was buried marked 'unknown' in the military cemetery of Lakatamia and his name appeared on the missing persons list for 25 years, until its identification through the DNA method in 2000.

His wife and three children

sued the government for neglect and violation of their human rights and the Nicosia District Court awarded them a total of €125,000 plus expenses.

Judge Fivos N. Zomenis rejected the government's argument that responsibility for investigating the fate of missing persons lay exclusively with the state in whose custody the person was seen last, namely Turkey.

He noted that Turkey's unquestionable responsibility did not rule out that the Cyprus government could also be responsible for omissions at the time of the disappearance and thereafter.

"For 25 years the Republic failed to undertake a comprehensive investigation, thus causing the plaintiffs to be trapped in uncertainty about the fate of their husband and father and suffering psychological stress as a result; the failure to investigate consti-

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tutes inhuman and degrading treatment under the European Convention of Human Rights and the Constitution of the Republic,” the judge said.

The family’s lawyer Achilles Demetriades said the state should apologise to them for what they have been through and also proceed to open other graves marked unknown in the free areas and accord the relatives of the dead heroes the same treat-

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ment.

Pashias was serving on the front line in the Ayios Pavlos

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area opposite the main TOURDYK contingent west of Nicosia during the second round of the invasion in mid-August 1974.

In between hostilities, he went to his village Xylophagou to see his wife and three children aged 11 months to 7 years.

His wife Georgia tried to persuade him not to go back but he said he owed a duty to his country and to his fellow soldiers. During the renewed Turkish offensive, Pashias' section held out, but was outflanked by superior Turkish forces on August 14.

According to testimonies before the court, Pashias was captured alive by the Turks, tortured and then executed.

Surviving comrades said

they heard him cry out for his children.

The examination of his remains shows he was beaten, bayoneted and shot through the mouth.

His and 17 other bodies were recovered on August 17 by the National Guard under UN supervision and were taken to the Lakatamia cemetery for burial.

The person in charge of the burials gave testimony saying he interred the bodies without trying to identify them because he thought the dead soldiers' unit had already done so.

The court found fault with the system of identifying soldiers killed in the field. Dog tags had not yet been introduced and the identification

method followed was through the military papers of each soldier and their personal effects.

Under the circumstances, an order was also given for each soldier to write their particulars on a piece of paper and put it in their left breast pocket. Photographing the dead bodies was also part of the process but not always possible.

Pashias' military helmet was found in his Lakatamia burial, together with his water flask, shoes, remnants of clothing, hair tufts, a cross pendant featuring Christ, and an Oris wrist watch.

All were presented as exhibits at the trial.



HISTORICAL RECORD: These exclusive photos released for the first time show the state of the Lakatamia cemetery where Pashias and other soldiers were hastily buried in 1974. At some time in the late 1970s, the wooden crosses that marked the graves were removed and replaced by proper headstones and burial slabs. This included the graves marked 'unknown' but not even then an attempt was made to investigate their content

(Photos by: fotofil)





Lawyer: "Open all unknown graves"

Pashias family was represented by Achilleas Demetriades, the lawyer who won the first property claim by a Greek Cypriot refugee against Turkey at the Strasbourg-based European Court of Human Rights in the by now famous "Loizidou v. Turkey" case.

Speaking to The Cyprus Weekly, Demetriades said it was astonishing that the Republic for whom these soldiers died did not bother to identify their remains, give them a proper burial and support their families.

"The question is why?" he asked and added: "This case has broken the silence and we should get to the bottom of this the quickest possible.

"The family would also like to thank the witnesses who came forward and in particular Xenophon Kallis, who had the guts to tell the truth despite his official position".

Demetriades went on to suggest what course

should be followed by the government following the ruling of the court.

"First, the Republic must acknowledge its responsibility and say "I am sorry" and apologise to the applicants. Then it must make arrangements for the two graves in the Constantinou and Eleni Cemetery that are marked 'unknown' to be opened immediately and the remains identified.

"The same must be done at the Tymvos Monument where the Nord Atlas plane with the bodies of the Greek commandos is still situated under a pile of earth, so that their families will at long last know the truth.

Last but not least, the 17 bodies that were also collected with Pashias' after the ceasefire on August 17, and were reburied in Lakatamia should be identified and the same treatment accorded to their families as that of Pashias'."

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