

# CLOSED MARASH (VAROSHA) UNKNOWN FACTS



# ***The Evkaf Policy of the was to suppress the***

The English Administration had worked massively in order to remove the Turkish existence in Cyprus by impoverishing and immigrating the Turks for hindering them from forming a political unity. For this purpose the English Administration turned Evkaf, the most important and owner of the greatest wealth of Cyprus, into a major target and set to work for downsizing and disabling the Evkaf Foundation.

The main purpose was to make lose the function of more than 220 established waqfs, diminish the Evkaf Administration, one of the keystones of the society, and to impoverish the people. As a result of systematical diminishing of Evkaf, Evkah will not stand by the monger, could not support those who want to set up a business, could not subsidize the individuals who are in need. When Evkaf cannot support the society, people will get impoverished in due course. Because, Evkaf's becoming poor means the immiseration of the Turkish people.

Hoisting the British standard on the bastions of Nicosia, 12 July 1878.



# **English Administration Turkish existence in Cyprus**

Social state functions in Ottoman Empire were realized in care of the waqfs. Waqfs were meeting the major needs of the society such as building schools, mosques, hospitals and manage them. Hollowing out and disabling the waqfs mean that the Turks will not maintain their religious lives, will not be able to have sufficient educational means for their children, will not have medical care for their sufferers and to have the possibility for fulfilling their basic human needs.

Turkish Cypriots who were sending aids to other countries by the incomes of the wealthy waqfs became needy from the others and forced to immigrate.

While Evkaf was debilitated during the period of the English Administration (1878-1960), Greek Orthodox Church was reinstated as the most powerful institution of the Island.

The British occupation of Cyprus; general view of the landing site at Larnaca, from the anchorage.



# ***International Agreements***

No attention was paid for the promises given in Cyprus and international agreements were taken any notice and an illegal act was committed. When the 1878 Cyprus Agreement, 1923 Treaty of Lausanne and 1960 Foundation Constitution of Republic of Cyprus are considered, it is an explicit provision that the the properties of the waqfs will be governed according to the waqf laws, Ahkâm-ül Evkaf (Provisions of Evkaf).

Although a lot of legislations related with the waqfs were formed during the English Rule, statutes of Ahkâm-ül Evkaf were not altered. Statutes of Ahkâm-ül Evkaf are still in vigour without any changes.

The Supreme Court of the TRNC had verdicts number 10/2018 D. 1/2021 and decision dated 01/04/2021 and enacted that the statutes of Ahkâm-ül Evkaf were not changed and they are still in vigour.

Signing of the Treaty of Lausanne



# *were not taken any notice*

Considering the international law, the European Commission authority Dr. Bernhard Hofstätter used similar statements in his studies related with Cyprus. 60th article of the 1923 Treaty of Lausanne clarified this condition by stating that “established waqfs will be protected and their functions will be sustained.” Therefore, Great Britain took on a task for looking after and sustaining the waqf properties under the conditions of the international law. However, unfortunately the English Administration and Republic of Cyprus acted against international law and did not look after the rights of possession of Evkaf.

Signing of the Foundation Constitution of Republic of Cyprus.



## 1878 Cyprus Agreement

### **II. Annex To the Preceding Convention. Signed at Constantinople, 1st July 1878.**

The Right Honourable Sir A. H. Layard, G.C.B., and his Highness Safvet Pasha, now the Grand Vizier of His Majesty the Sultan, have agreed to the following Annex to the Convention signed by them as Plenipotentiaries of their respective Governments on the 4th June 1878:

It is understood between the two High Contracting Parties that England agrees to the following conditions relating to her occupation and administration of the Island of Cyprus:

I. That a Mussulman religious Tribunal (Mehkeme-i Sher) shall continue to exist in the island, which will take exclusive cognizance of religious matters, and of no others, concerning the Mussulman population of the island.

II. That a Mussulman resident in the island shall be named by the Board of Pious Foundations in Turkey (Evkaf) to superintend, in conjunction with a Delegate to be appointed by the British Authorities, the administration of the property, funds, and lands belonging to the mosques, cemeteries, Mussulman schools, and other religious establishments existing in Cyprus.

## 1923 Treaty of Lausanne

### **ARTICLE 60.**

The States in favour of which territory was or is detached from the Ottoman Empire after the Balkan wars or by the present Treaty shall acquire, without payment, all the property and possessions of the Ottoman Empire situated therein.

It is understood that the property and possessions of which the transfer from the Civil List to the State was laid down by the Irades of the 26th August, 1324 (8th September, 1908) and the 20th April, 1325 (2nd May, 1909), and also those which, on the 30th October, 1918, were administered by the Civil List for the benefit of a public service, are included among the property and possessions referred to in the preceding paragraph, the aforesaid States being subrogated to the Ottoman Empire in regard to the property and possessions in question. The Wakfs created on such property shall be maintained.

## 1960 Foundation Constitution of Republic of Cyprus

### **Article 110**

1. The Autocephalous Greek-Orthodox Church of Cyprus shall continue to have the exclusive right of regulating and administering its own internal affairs and property in accordance with the Holy Canons and its Charter in force for the time being and the Greek Communal Chamber shall not act inconsistently with such right.
2. The institution of Vakf and the Principles and Laws of, and relating to, Vakfs are recognised by this Constitution.

All matters relating to or in any way affecting the institution or foundation of Vakf or the vakfs or any vakf properties, including properties belonging to Mosques and any other Moslem religious institution, shall be governed solely by and under the Laws and Principles of Vakfs and the laws and regulations enacted or made by the Turkish Communal Chamber, and no legislative, executive or other act whatsoever shall contravene or override or interfere with such Laws or Principles of Vakfs and with such laws and regulations of the Turkish Communal Chamber.

The Defence Alliance signed in 1878 between Great Britain and Ottoman Empire, in other words the Cyprus Agreement states the religious institutions like waqfs will be protected according to their laws.

I) A Muslim Religious Court (Mahkeme-i Şer'i) in the Island will be founded in order to sustain the existence of the religious issues of the Moslem population of the Island (It consists of Islamic Laws and Ahkâm-ül Evkaf).

II) A Moslem individual living in the Island will be appointed as an inspector by the Board of Waqfs (Evkaf) of Turkey and will act together with a delegate to be appointed by the british authorities will work in the management of the mosques, cemeteries, Moslem schools and other religious institutions like waqfs and their properties, funds and lands of the waqfs.

---

In 1923 Treaty of Lausanne, signatures were made inconfusedly that the waqf properties will be governed as per the waqf laws.

Article 60: Established waqfs will be protected and will sustain their functions.

---

While Republic of Cyprus was founded in 1960, it was accepted that the waqf properties will be governed according to the waqf laws. This principle was written as a text of article in the Constitution of Republic of Cyprus and thence became a decree of the constitution.

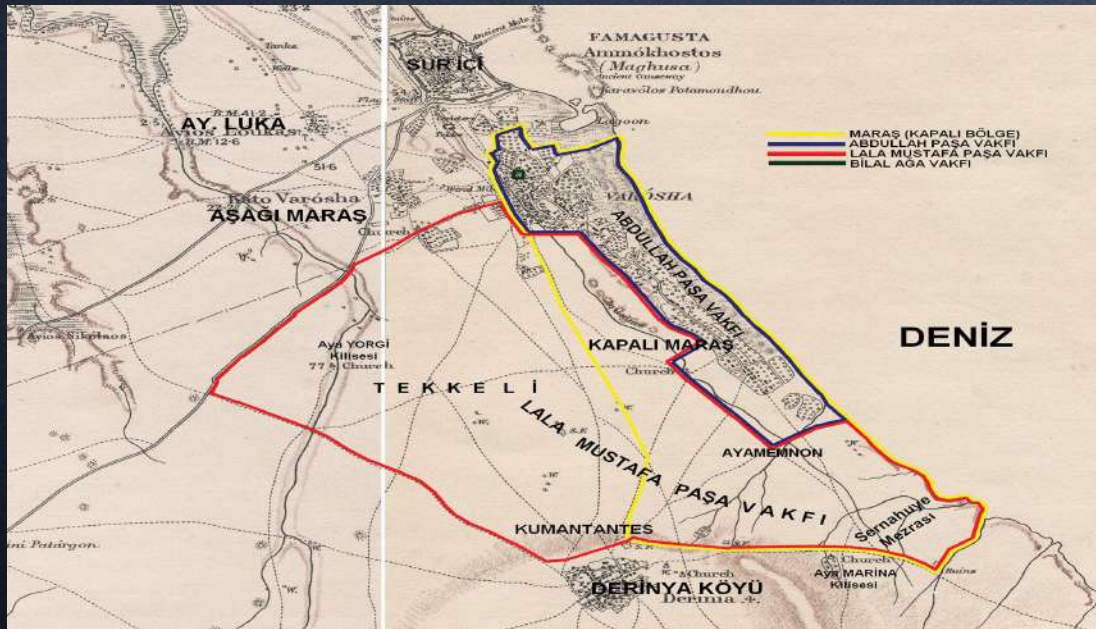
Article 110 (2): Evkaf Institution and Ahkâm-ül Evkaf are recognized by this Constitution. All issues related with Evkaf Institution or any waqf property or any of one of the waqfs or mosques or any other venture belonging to islam religion are inclusive with any waqf property's field of activity or any subjects effecting them are exclusively subject to Ahkâm-ül Evkaf and to laws and regulations done or made by the Assembly of Turkish Community and governed accordingly and as required by these and none of any legislative, executive or any other treatment cannot violate the laws and regulations of said Ahkâm-ül Evkaf and laws and regulations done or made by the Assembly of Turkish Community or surpass them and cannot intervene them.

# Almost all of the Waqf

Following the renting of Cyprus to English in 1878, the waqf properties in the Island were transferred to individuals systematically and unlawfully and 92 % of the properties were extracted from waqf possession.

As it is seen, almost all of the waqf properties were invaded; both Evkaf and the community had been impoverished. The major example of this application is Closed Marash.

It is seen clearly that the area of Closed Varosha is consisting of Abdullah Pasha Waqf, Lala Mustafa Pasha Waqf and Bilal Agha Waqf.





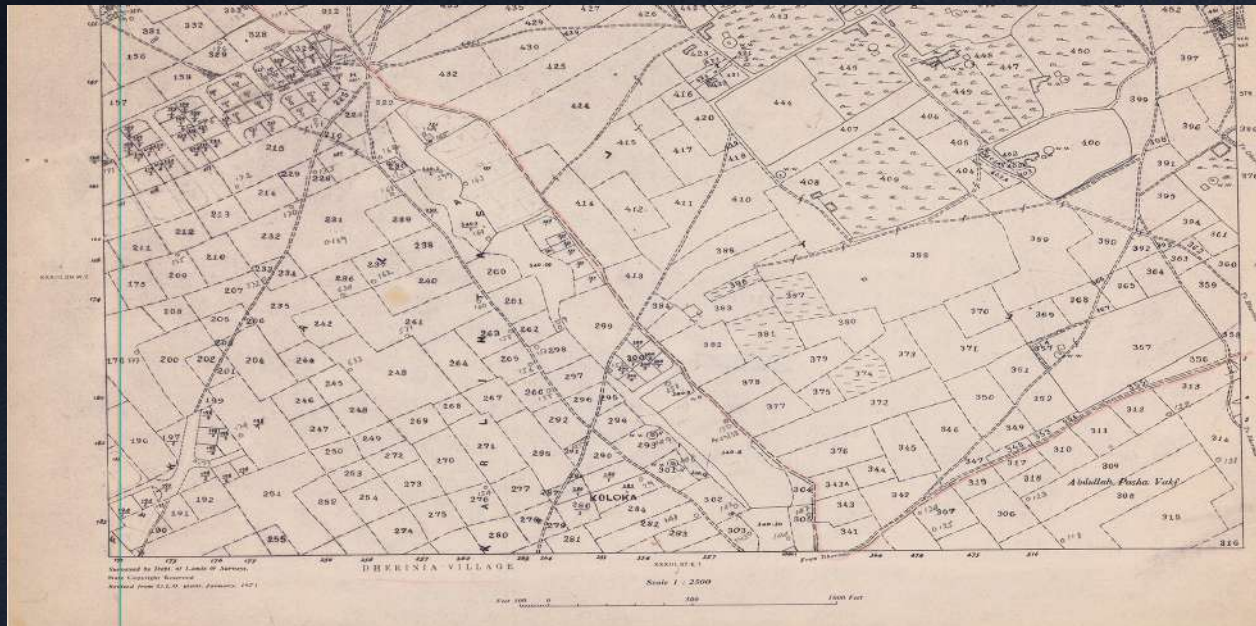
# Properties were unsurped

A research on all the waqf properties dating from 1571 to 1974 were made with the realized archival studies. 2.443 registers, 13.000 record files and 8 million documents were examined. 20 million data were acquired from these examinations. All the procedures of all the properties in Closed Marash dating from 1571 to 1974 were inspected and all illegal operations made within the period of these were revealed with documents.

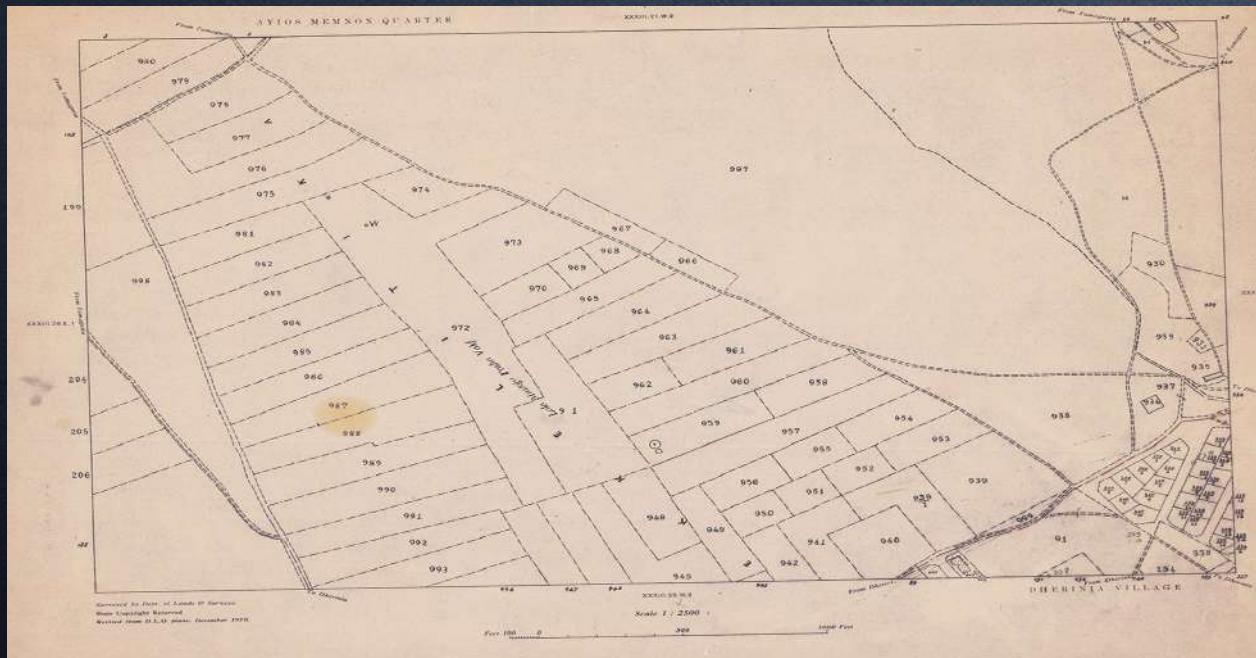
A table of the properties illegally and ostensibly "transferred" in Closed Marash. The ratio of the waqf properties fell into possession transition is 99,99 %.

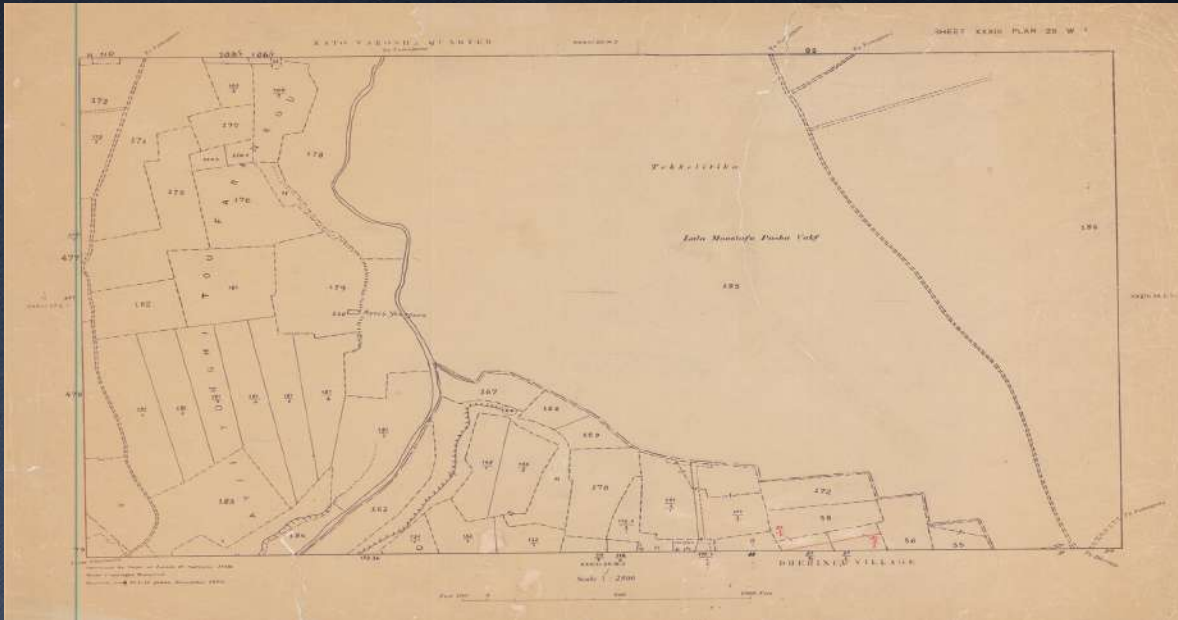
Ostensible new possessors	Transferred property			
	Number of parcels	Donums	Evleks	Square feet
Greek Cypriots and Greeks	5877	3362	1	2562
Central Government	74	165	3	3181
Limited Companies of the Greek	165	125	0	686
English Ministry of Defense	8	93	0	695
Greek Cypriot Schools Commission	11	39	2	2986
Greek Cypriot Church	37	33	0	784
Greek Cypriot Municipality	7	21	0	534
Public Institutions	7	5	2	3212
Foreign National Persons	33	2	1	1821
Turkish Cypriots	5	0	2	1618
General squares and roads		787	1	3369
<b>Genel Total</b>	<b>6224</b>	<b>4636</b>	<b>1</b>	<b>3448</b>

General area of Closed Marash		4638	0	300
Remaining Waqf Property		1	2	452

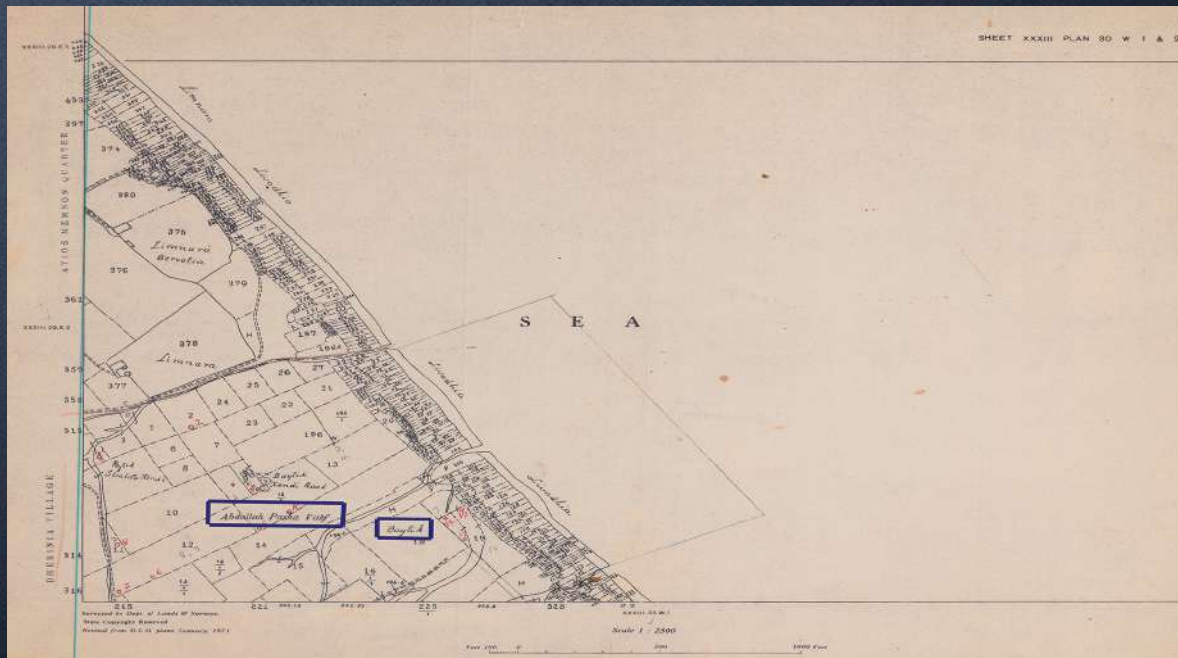


After 1913, areas belonging to waqfs were recorded on cadastral maps and registered on land registers to the titles of the related waqfs by the English.





It is seen clearly that the area of Closed Varosha is consisting of Abdullah Pasha Waqf, Lala Mustafa Pasha Waqf and Bilal Agha Waqf.



# Possessor is not changing,

As it seen on the below English land register, the possessor is Abdullah Pasha Waqf and only the tennants are changing within the passing years. Showing the tennants as pssessors within a period of time is an act against the laws. Illegal transactions were made against Ahkâm-ül Evkaf principles and English Administration laws.

Transactions made under the title of "subsequent transfers" show that the rights of the tennant were transferred from one tennant to another. As its ideen, the said property belongs to Abdullah Pasha Waqf.

The word "Charges" means the price. Idare-i Zemin (hire purchase) is the price of 2 2/40 Cyprus Pounds paid to Evkaf is the annual renting.

370

SUBSEQUENT TRANSFERS *File No. N=1875*

Transferred by <i>at auction</i>	to <i>Georgios Sina Ioannou</i>
of <i>Varosha</i>	this <i>8<sup>th</sup></i> day of <i>January 1929</i>
Khata No. <i>1881</i>	
File No. <i>196/1928</i>	<i>SPF 227-0-0.</i>
Page No. <i>6</i>	<i>Principal Land Rights Office</i>
Transferred by	to
of	this day of
Khata No.	
File	
Page No.	<i>Principal Land Rights Office</i>
Transferred by	to
of	this day of
Khata No.	
File	
Page No.	<i>Principal Land Rights Office</i>
Transferred by	to
of	this day of
Khata No.	
File	
Page No.	<i>Principal Land Rights Office</i>

# only tennants are changing

“Holder” means the tennant. The tennant Annezou Elia is the tennat and a Greek Cypriot. They tried to show the tennants as possessors within the passing years.

*1873* *Notice issued under a 4/19/54 21 234* *1873* *1873* *1873*

Village or Town *varosha* *D* *Plot 341* No. *1873* ✓

Locality *Ay. Nicola* Reference to Map Sheet *33* Plot *256*

Deventories *Antoni M. Solomo, Louyi L. Loigo, Louca Georgeion & Louyi L. Loigo.*

Property *House & yard: four rooms, one verandah, etc. one kitchen, one w.c., one well & one well, 1/2 acre garden.*

Class of (1) Property *Mulk* (2) Grounds *Dr. Mervoufi*

Name of Vakil *Abdullah Pasba*

Class of Vakil *Mulkaga*

Charges *1/2 anna 1/2 anna 1/2 anna 1/2 anna*

Assessed Value *12000* Charge *Law 311 - 1907 (20)* *1000* *1000* *1000* *1000*

Holder (a) *Annezou elia* *H. 892*

Share or Interest (a) *The whole*

This acquired (a) *The site by exchange + the buildings original 20.1.1973*

# *The name of the from the land registers*

The extortion of Toyota Building, just one example from thousands of land titles in Closed Marash, is explained with below English land registration certificates.

As it is seen in below English land registration documents that the property belonging to the waqf for 300 years during the Ottoman Period was rented as waqf domain until 1936. However, as per the English land registers the name Abdullah Pasha Waqf was extracted illegally in 1936.

In conclusion, this land which was accepted as waqf domain until 1936 was shown as it was transferred to the ownership of the tenants with an against the laws.



# ***Waqf to be extracted within the passing time***

## **Title Deed transactions of the Toyota Building between 1913 and 1960**

Because the real property of the Toyota Building is recorded in the land register no. 1474, dated 1913 belonging to Abdullah Pasha Waqf with the classification as appendant waqf, it is seen that a rent of 25 1/40 Cyprus Pound was paid (Title Deed picture 1).

In 1914, the title deed no. 1474 was split into two and formed title deeds 1871 and 1872 title deeds. Within no. 1871 it was continued in usage as Abdullah Pasha waqf, classified as appendant waqf with a hire purchase of 9 Cyprus Pounds. Also, because it was recorded in the waqf registers of 1872, as belonging to Abdullah Pasha Waqf and classified as appendant waqf, it is seen that the hire purchase was 16 1/40 Cyprus Pounds. Title deed 1872 (Title Deed picture 2).

The title deed no. 1872 was divided into three (20239, 2030, 2031) in 1917. The land registration records and hire purchase were sustained also in these title deeds. The title deed no. 2029, name of the waqf: Abdullah Pasha Waqf and class appendant waqf (Title Deed picture 3).

In 1923, the title deed no. 2029 was split into two by a change in the records (2382, 2383). The name Abdullah Pasha Waqf was sustained in both title deeds as it is seen in 2382 (Title Deed picture 4).

In 1924, title deed no. 2382 was changed again and split into two, with numbers 2521 and 2522. The name Abdullah Pasha Waqf was sustained in both title deeds as it is seen in 2522 (Title Deed picture 5).

In 1936 title deeds 2522 and 1472 were combined in order to form title deed no. 4272. Title deed 1472 (Title Deed picture 6).

In 1936, a change was made on 2522 and it became as the title deeds of 4271 and 4272. The name of the waqf was not written on the title deed but the name of the user and the location of the field was sustained as Arazi-i Mevkufe (waqf registration). Title deed 4272 (Title Deed picture 7).

In 1949, the title deed 4272 was carried to title deed 6112; name and classification of the waqf was not indicated. The Greek Cypriot user's name was written as name and residence. Title deed 6112 (Title Deed picture 8).

In 1960, the title deed 6112 was carried to title deed 8342 and recorded to the name of the Greek Cypriot user (name and residence) The Toyota Building is situated on this field. Title deed 8342 (Title Deed picture 9).

# The name of the from the land registers



KOÇAN NO:1474  
ABDULLAH PAŞA VAKFI

1

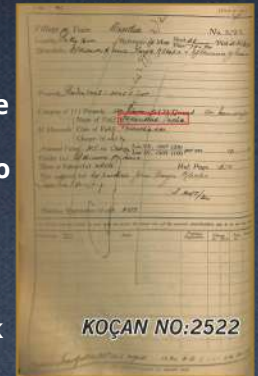
1914 the title deed of 1474 was divided into 1871 and 1872 - Abdullah Pasha Waqf, Greek Cypriot tennant (user) was paying 16 Cyprus Pounds per year.



KOÇAN NO:2029

3

1923 the title deed 2029 was split into two 2382 and 2383 - Abdullah Pasha Waqf, Greek Cypriot tennant (user)



KOÇAN NO:2522

5

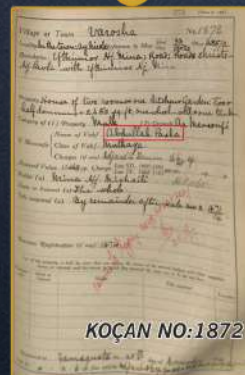
1914

1923



1913

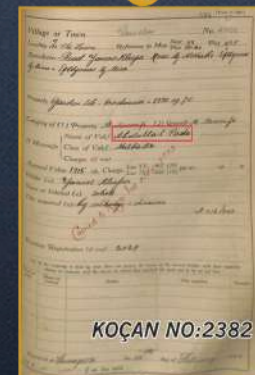
1913 English title deed recently with Ottoman title deed - Abdullah Pasha Waqf, Greek Cypriot tennant (user) was paying 25 Cyprus Pounds per year.



KOÇAN NO:1872

2

1917 the title deed 1872 was divided into three title deeds (2029, 2030, 2031) - Abdullah Pasha Waqf, Greek Cypriot tennant (user)



KOÇAN NO:2382

4

1924 the title deed 2382 was split into two 2521 and 2522 - Abdullah Pasha Waqf, Greek Cypriot tennant (user)

1924



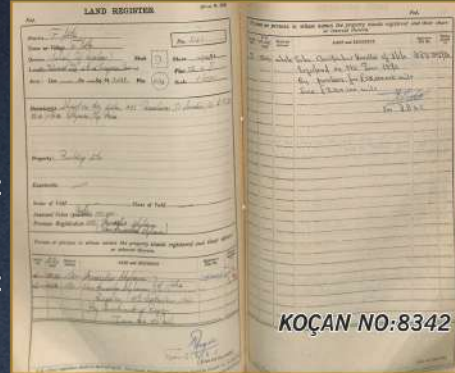
# Waqf to be extracted within the passing time

1936 title deeds 2522 and 1472 were combined and formed 4272 - Abdullah Pasha Waqf, Greek Cypriot tennant (user)



7

1949 the title deed 4272 was carried to title deed no. 6112, no indication about the name of the waqf, no indication about the name of the Greek Cypriot tennant as the said tennant



9

1936

1949

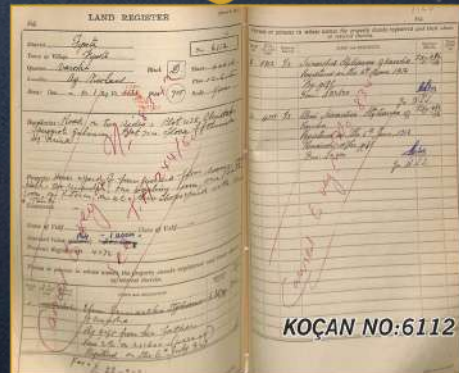
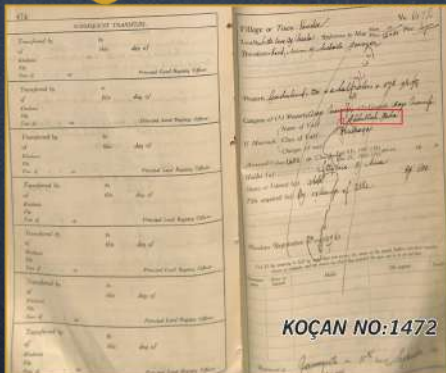
1936

1960

1936 the title deed 2522 was split into two in order to form 4271 and 4272, no indication about the name of the waqf, Greek Cypriot tennant (user)

6

8



1960 the title deed no. 6112 was carried to to the title need of 8342, no indication about the name of the waqf, Greek Cypriot tennant (user): Toyota Building.

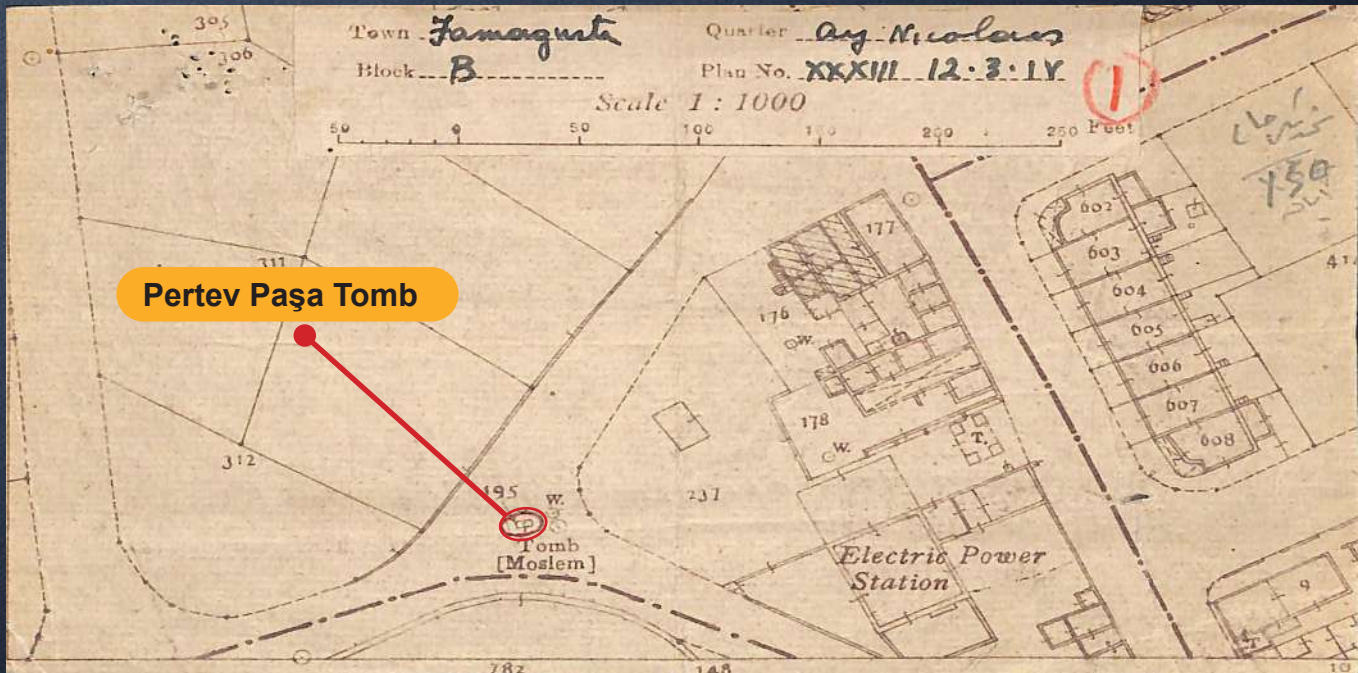


# Closed Marash was demolished

Many non ethical transactions were put in as it is seen in Toyota Building example for the extraction of the name of the waqf and it was executed and even a slightest respect was not shown for the cemeteries.

The location of the Pertev Pasha Tomb was identified as a result of the massive works within the Closed Marash area. Another Turkish Moslem Cemetery was also discovered in the region. It is understood from the title deed no. 228 that the said place was used as a cemetery from 1913 to 1929 and however it was combined with other plots of Abdullah Pasha Waqf, transferred to the names of the Greek Cypriot users and buildings were constructed on it. The Turkish Cemetery on the title deed no. 232 was under the possession of Evkaf delegates from 1913 to 1935 and it was combined with the plots belonging to Abdullah Pasha Waqf and buildings were constructed on it for the usage of the Department of Electricity. The only remaining area is the Pertev Pasha Tomb with an area of 150 square feet.

The cadastral map taken from Famagusta Land Office showing the new plots.



The cadastral map taken from Famagusta Land Office showing the new plots.

# The Turkish Cemetery in

MUNICIPAL CORPORATION  
FAMAGUSTA

① 5

P. O. B No. 41

FAMAGUSTA (CYPRUS) 18th May, 1945

TELEPHONE No. 42

IN REPLYING  
PLEASE QUOTE No. ....

The Delegates of Evkaf,  
Nicosia

Dear Sirs,

I have the honour to apply for your kind permission to remove the grave situated in the middle of the Power Station street, Varosha, as being an obstacle to the traffic.

Moreover dogs etc, are using and desecrating the place and this is another reason why it should be removed.

I suggest that you allow us to remove the same altogether and to enshrine a memorial plate in its place on to the surrounding wall of the Power Station. I trust that this arrangement will meet with your approval.

Yours faithfully,  
*Abdhamant*  
MAYOR

The evaluation demand of famagusta Evkaf Representative forwarded to Famagusta Land Office in order to claim the rights regarding the downsizing of the cemetery area.

A- 695/50

Land Registry Office  
Famagusta, 26th May, 1950.

Evkaf Agent, Famagusta,

In reply to your application, dated 4th May, 1950, on the subject of the correct extent of plot 195, Block B, i.e. of the site on which Pertev Pasha's tomb at Varosha is found, I have the honour to inform you that I am bound to abide by the correction made in the registration (consisting of substituting the extent of 150 sq.ft. for 700 sq.ft.) on the ground that the said correction was made in consequence of acquiescence made by the Delegates of Evkaf to the said substitution, by their failure to file an objection in conformity with Law 5 of 1880.

*Abdhamant*  
C.C.L.R.O.

# Closed Marash was demolished

The Municipality of Famagusta sent a letter to the delegate of Evkaf stating that the cemetery had to be abolished because it is hindering the traffic on the street where the Department of Electricity is located (18 May, 1945).

To the head clerk of Famagusta Land Office 4 May 1950

4/5/1950.  
Mağusa-Evkaf.

Mağusa Tapu Baş Kitabetine,  
Efendim,

Maraşda 3448 numaralı Koşan mucibince Evkafa aid Pertev Paşa mezarlığının 8/4/1949 tarihinde tarafıma verilen merbut (1) numaralı plân kopyası ile aynı koşanın 3/5/1950 tarihinde tarafıma verilen merbut (2) numaralı plân kopyası arasında büyük bir fark olduğu görülmekte olduğundan (1) numaralı plân kopyasının (2) numaralı plân kopyasına göre tashih edilmesini istid'a eyler ve tarafıma bildirilmesini rica eylerim.

H. Hilmi,  
Mağusa Evkaf Vekili.  
*H. Hilmi*

Sir,

I herewith solicit and ask for the result to be informed to me in accordance with title deed no. 3448 of Marash which proves that the devoted plan (1) of Pertev Pasha Tomb which was given to me on 8 April 1949 and the one dated 3 May 1950 (2) of the same title deeds have great differences; so, the plan copy no. 1 and plan copy no. 2 had to be corrected.

(signed) H. Hilmi

Famagusta Evkaf Representative

As a tribute to the evaluation demand of the Famagusta Evkaf Representative, the land register office authority didn't accept the objection and confirmed the reduction of the cemetery area from 700 square feet down to 150 square feet by acting against the law and humanitarian values (26 May 1950).





# ***The sum of 1,5 million Sterling Pounds was not facing the***

The amounts of the rentals were also determined by the English within the periods when the waqf domain was under the control of the English Administration.

For many years the English Administration had fixed the rentals of the waqf domain very low (rent control). Evkaf was providing the needs of the Turkish Community such as the repairs of schools, hospitals, mosques, etc. in all these periods of time. Turkish areas had become neglected as a result of the low calculation of the rentals by the English Administration.

The English Administration accepted that they had acted mistakenly about the rentals (rent control) and released a grant of 1,5 million Sterling Pounds to Turkish Administration to be used for the repairs of the buildings which were in need because of this mistake.

## **APPENDIX U**

### **FINANCIAL ASSISTANCE TO TURKISH COMMUNITY**

#### **Draft Exchange of Letters between the Governor and Dr. Kutchuk and Mr. Denktash**

A.-Text of Letter from the Governor to Dr. Kutchuk and Mr. Denktash

I have the honour to inform you that the Government of the United Kingdom of Great Britain and Northern Ireland have decided to make available the sum of £1,500,000 by way of grant to the Turkish community in Cyprus to be used for education, the development of Vakf property and cultural and other like purposes which fall within the competence of the Turkish Communal Chamber as it is to be established under the Constitution of the Republic of Cyprus.



# ***paid by the English Administration seized waqf domain***

It is seen in Appendix U of 1960 Republic of Cyprus Agreement that it was accepted to make this payment because of these mistaken acts.

There is no explanation on any part of this document that this grant was paid for the compensation of the seized waqf domain.

This payment will be used for the following expenditures:

01. Repair and renovation of foundation properties damaged by low rent control
02. Cost of construction of a new building for the Turkish Girls Secondary School in Nicosia
03. Development of existing foundation properties at Kyrenia Gate in Nicosia
04. Construction of a new building for the Turkish Community Council and its necessary offices in Nicosia
05. Advance payment for the construction of a secondary school building in Kyrenia
06. Development of land designated for the construction of a hotel in Kyrenia
07. Development of foundation properties in Limassol
08. Construction of a building with modern tourism facilities on foundation land in Larnaka
09. Completion of the development of the Turkish Cemetery in Famagusta
10. Development of Tekke Garden or similar land in Nicosia

# *There is no statute of*

At Larnaca District Court in 1955, in the court case about the Tersefan Farm belonging to Evkaf, it was accepted by the English Courts that waqf domain cannot be transferred and will not be subject to statute of limitation. This verdict was recorded as a landmark decision.

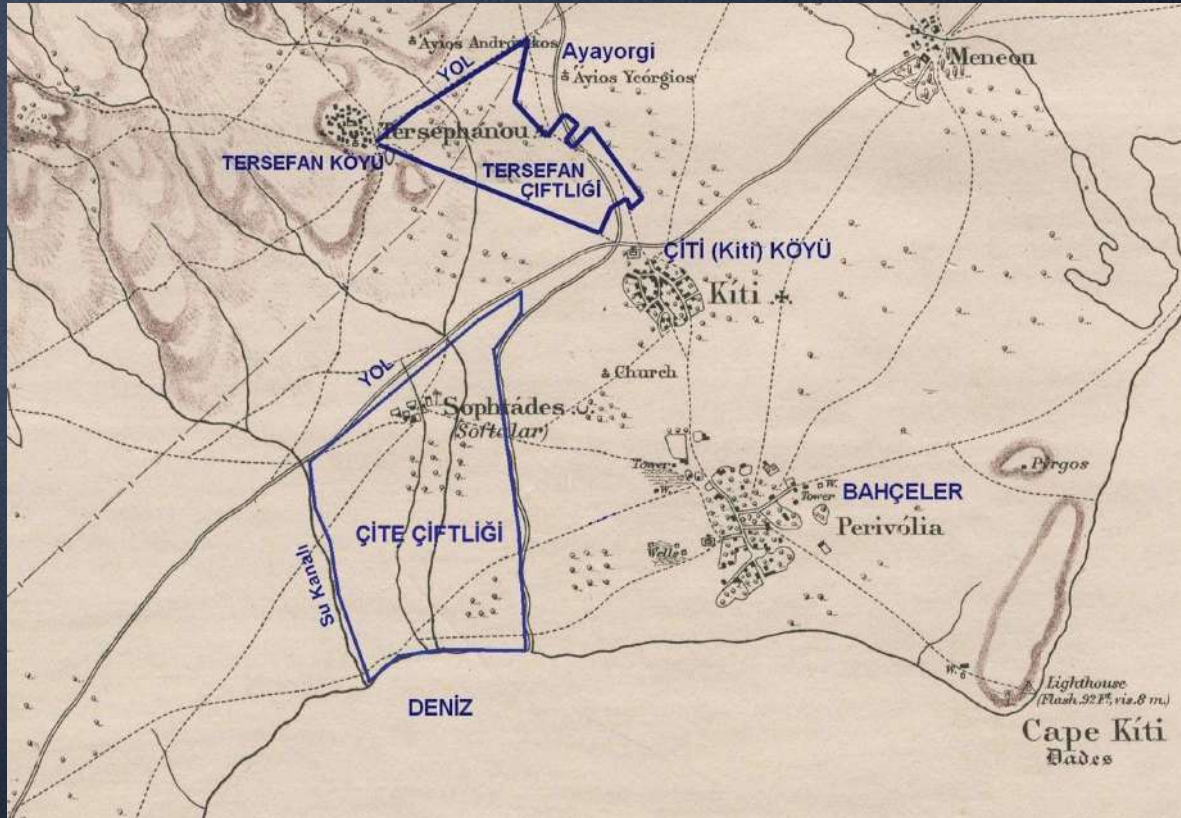
Greek Cypriot tenants applied to the English Courts and demanded that the waqf domain they are using for more than a period 50 years must be subject to statute of limitation and the proprietary right to be transferred to their names. The English Inferior Court and the Supreme Court afterwards had adjudged in 1955 that there is no statute of limitation for waqf domain and decided that the areas of Tersefan Farm will be stayed within the domain of Evkaf.



# limitation for Waqf Domain

At the consequence of the court case, the court had quoted that Tersefan Farm is an immovable property, the immovable properties of the waqf domain cannot be disposed and/or transferred according to the principles of Ahkâm-ül Evkaf, waqfs have sustainability, no acquisition is possible because of statute of limitation and Tersefan Farm is an immovable property belonging to Evkaf and stated an inure to the benefit of Evkaf Administration.

ROAD TERSEFAN VILLAGE ÇİTİ (KITİ) VILLAGE ROAD  
Water Channel ÇİTE FARM SEA



# *Abdullah Pasha Waqf*

The claim about the closing of the Abdullah Pasha Waqf and thus the properties were transferred to individuals is against reality.

Abdullah Pasha Waqf is a waqf having vast fields of thousands of donums in the areas of Famagusta and Karpas. Closed Marash area is a small part of the properties of Abdullah Pasha waqf. The documents of property, the document of boundaries, the deed of trust of the pious foundation and the Firman dated 1876 which forbids the disarranging with the demain form the title deed of the waqf.

A waqf established by court decision and Firman of the Sultan cannot be unfiled by a decision of an official of the land registration office. If a transaction about a waqf property (example: exchange) even for one donum and even in the present day , a resolution and an endorsement are required.

## 1876 Constitution , Article 111

MADDE 111.- Müsakkafat ve müstagillât ve müstagillât ve nukudu mevkufe hasılatının şurutu vakfiyesi ve teamülü kadimi veçhile meşrutun lehine ve hayrat ve müberrata sarfolunmak üzere vasiyet edilen emvalin vasiyetnamelerinde muharrer olduğu üzere musalehine sarfına ve emvali eytamin nizamnamei mahsusı veçhile sureti idaresine nezaret etmek üzere her kazada her milletin bir cemaat meclisi bulunacak ve bu meclisler tanzim edilecek nizamati mahususası veçhile her milletin müntehap efradından mürekkep olacaktır. Ve mecalisi mezkûre mahalleri hükûmetlerini ve Vilâyet Mecalisi Umumiyesini kendülerine merci bilecektir.

# didn't been closed

Transcription of the original Ottoman Turkish text.

Transcription of the original Ottoman Turkish text of the last page of Abdullah Pasha Waqf

devam-ı ömr ü devletim için umum-ı nasdan isticlab-ı daavat-ı hayriyeye mübaderet eyledikleri her halde hayırhah ve;

Sadaret-ı uzma hashğundan ref ve ifraz ve tefkik ve vezir-i azam-ı müşarünileyh taraf-ı hümayunundan hibe ve temlik olunmak için defter-i hakanide olan mahalli tevki'i kalemiyle mülkiyete tashih olunmak üzere divan-ı hümayundan emr-i şerif tahrir olunmak babında iftihar-ı'l-umera ve'l-ekabir bi'l-fiil baş defte-darım olan Mehmed dame uluvvuhu dahi ilam ve salifu'z-zikr Harpas Nahiyesinde sekzenbin akçe yazısı olan Karye-i Harpas ve yetmişbin akçe yazısı olan Karye-i Arigomi? Ve kırkbin akçe yazısı olan Karye-i Doma ? ve otuzbeşbin akçe yazısı olan karye-i Makdomi ? ve bin akçe yazısı olan Karye-i Midos yekün iki yük yirmi altı bin ve Magosa nahiyesinde altmış bin akçe yazısı olan Varoşu ve etrâf-ı Kale-i Magosa ceman iki yük seksen altı bin akçe yazısı olan Harpas mukataası şerefbahşa-yı sudur olan hatt-ı hümayun şevket makrunum ve sadır olan fermanın alışanım ve defterdarım muma ileyhın ilamı muciblerince havass-ı hümayunundan ve sadaret-i uzma hashğundan ref ve ifraz ve tefkik vezir-i azam müşarünileyh taraf-ı hümayunundan hibe ve temlik olunup sureti icmal verilmeikle mucibince işbu mülkname-i hümayun mevhibetmakrun ve bu menşur-ı faizu'n-nûr atufet meşmunu verdim ve buyurdum ki;

Zikr olunan Harpas Mukataası salifu'l-beyan karyeler hudud ve varoş-ı kadimeleri dahilinde olan arazi ve mezari' ve ve merati' ve menafi' ve cibal ve tilal ve enhar ve abar ve çayır ve bağ ve bahçe ve resm-ı ispenç ve resm-ı çift ve gevare ve resm-ı asiyab ve resm-ı giyah ve resm-ı benin ve cürm ve hiyanet ve müjde-i abdayık? Ve yaveh ve kaçğun ve mal-ı gaib ve mal-ı mefkud ve beytü'l-mal-ı amme ve hassa ve resm-ı yaylak ve kışlak ve hava ve bi'l-cümle amme-i hukuk-ı şer'iyye ve kaffe-i rusum-ı örfiyyesiyle bi cümleti't-tevâbi' ve'l-levâhık kaffeti'l-menafii ve'l-merafık mimma zukire ev lem yüzker mefrûzu'l-kalem ve maktû'u'l-kadem min kull'l-vucûh serbestiyet üzere vezir-i azam-ı müşarünileyhin zikr olunan hayratına vakfetmek için mülk-ı mahzı ve hakk-ı sırfı ola; ol babda olan emcad-ı ali nezd ve a'kâb ve ensâb-ı saltanat nihadından ve vüzerayı ali mikdar ve umerayı zevi'l-iktidar ve defterdaran-ı emval ve mübaşirin ve unırmaldan bir ferd dahl ve taarruz eylemeye ve bir vecihle tağyir ve tebdil ve tahrif ve tahvilne tasaddi etmeye her kim tebdil ve tağyir eder ise "fe men beddelehü ba'dema semiahü fe innema ismühü ale'l-lezine yübeddilünehü inallahe semiu alim" ve abd-ı ekberinin fahva-yı şerifine mazhar ola, şöyle bileler alamet-i şerife itimad kılarlar.

# ***From the studies of Dr. Bernhard Hofstötter, Commission, about what had been done***

1. The 1878 Agreements do not have a provision about the transfer of the sovereignty on Cyprus to Great Britain.
2. The 1878 Agreements retain the Ottoman Waqf Laws (Ahkâm-ül Evkaf) and any changes on the laws will not effect the principles of Ahkâm-ül Evkaf.
3. As a principle, a cadastral land register record forwarded by the English Administration doesn't have any problem from the perspective of International Law. However, if there is an incoherence between the entries to the land registry records and the waqf laws (waqf records), this means that a transaction was made against the International Law.

## Cyprus Under British Rule: An International Law Analysis of Certain Land Surveys and Land Assignments between 1878 and 1955

*Chinese Journal of International Law, Vol. 7, Issue 1, pp. 159-196, 2008*

Posted: 4 Jul 2008

Bernhard Hofstötter

# ***superintendent of European in Cyprus as per International Law***

4. As a principle, the waqf properties cannot be sold and cannot be transferred as inheritance. Because the sale and transferring the waqf properties as inheritance are against waqf laws, such transactions will violate the rights given by the Agreement of 1878, Appendix 1 and Appendix 2 (properties of the waqfs will be protected).
5. Because the transfer and the acquisition of a waqf property according to a long term usage is against the laws of waqf, it also violates the International Law.
6. In case the violation of the laws of International Law, there becomes a responsibility of the state in which this transaction was realized and an obligation to correct the mistakes from this transaction will arise.
7. If the legislation changes made before and after the Treaty of Lausanne are against the waqf laws, this means that they are also against the law.

## **Abstract**

From 1878 onwards, Great Britain exercised sovereign rights coming close to full sovereignty over Cyprus. The present article demonstrates that, by undertaking certain land surveys and land assignments with regard to religious property in North Cyprus, Great Britain ultimately failed to abide by the restriction on the exercise of its sovereign rights flowing from international law, which in turn referred to the Ottoman Law on Foundations and Endowments. Apart from shedding light on a commonly neglected aspect of colonial law, which is closely linked to key concepts of public international law continuing to shape our present-day discourse, a loose frame of reference for reparation of past injuries is sketched out.

# ***Why seizing a is a crime***

To devote something as a waqf means to devote this to the benefit of the humanity forever. For example, while establishing a waqf for the education of the poor children, the one who devotes says: "I give my shop to the waqf and with the rent of it, poor children will be educated without any discrimination of region, language, nationality or race forever" That is to say the most important peculiarity of a waqfis the sustainability forever.

Evkaf had areas of thousands of donums and thousands of immovable property in Cyprus. The income from these assets were used for waqf enterprises and charitable works.

Larnaca aqueducts made by Bekir Pasha Waqf





# ***devoted waqf property against humanity?***

Schools, aqueducts, fountains, khans, public baths, mosques and other buildings for the benefit of the public were constructed as per this purpose.

Aids were made for the persons in need. Salaries of teachers and imams were paid and poor children were educated.

Community health centers were founded and patient cares were provided. Needs of elderlies, widowers and handicappeds were faced. These services were continued during the 300 years of Ottoman Period.

Ceasing the incomes of the waqfs mean that a cease in facing the religious life, culture, traditions and most basic humanitarian needs of the community. This is why it is a humanitarian crime to seize the waqf domain.

Social house dwelling in Samanbahçe Area of Nicosia.



# More than 200 waqfs were founded considering the needs of the



Waqf for improving the livestock and the grain seeds

Waqf constructing health centers



Waqf for accomodating orphan children

Waqf for constructing infra-structural services



Waqf for improving the agricultural fields

Waqf for constructing graves for Moslem and non-muslims



Waqf for preparing medicines for eye diseases

Waqf for the protection of the storks



# ***in Cyprus in the Ottoman Period by community from every perspective***



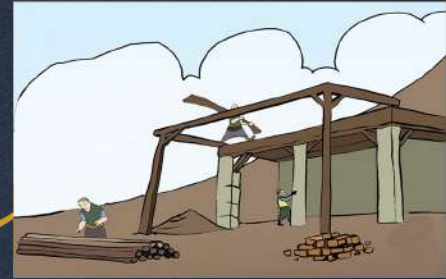
**Waqf constructing public baths and laundry houses**

**Waqfs for place of refuge for women**



**Waqfs for the protection of the environment and the forests**

**Waqf for constructing factories**



**Waqf for the repairing of the bridges**

**Waqf for the preparation of dowries for girls**



**Waqf for providing suits and dresses for the orphans**

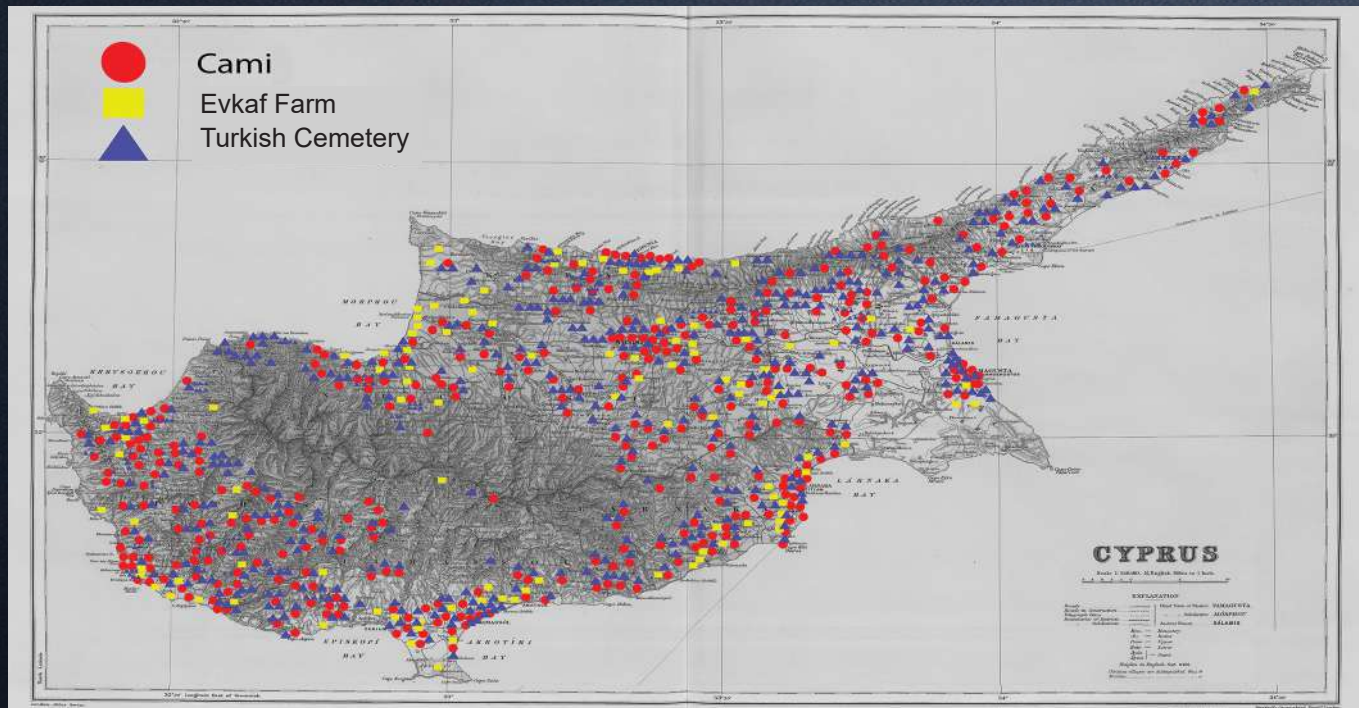
**Waqf for providing agricultural tools for the farmers**



# Waqf domain cannot being waqf domain according to

Waqf laws are under application in all Islamic countries since the rising of the Islamic Law for more than 1400 years. These laws are subject to Holy Koran predicting favour and charity and for this purpose properties are devoted as waqfs. There are ministries of Evkaf and Evkaf Administrations in Islam countries. Essentially, retrieving, passing in other hands, being not transferable and not donatable rules of the waqfs are applied in of the Islamic countries since the ancient times. This is why these orders are a part of the Common Law. International Common Law is the main source of the European Human Rights Court.

There were 400 mosques, 596 Turkish cemeteries and 109 Evkaf farms in 1878

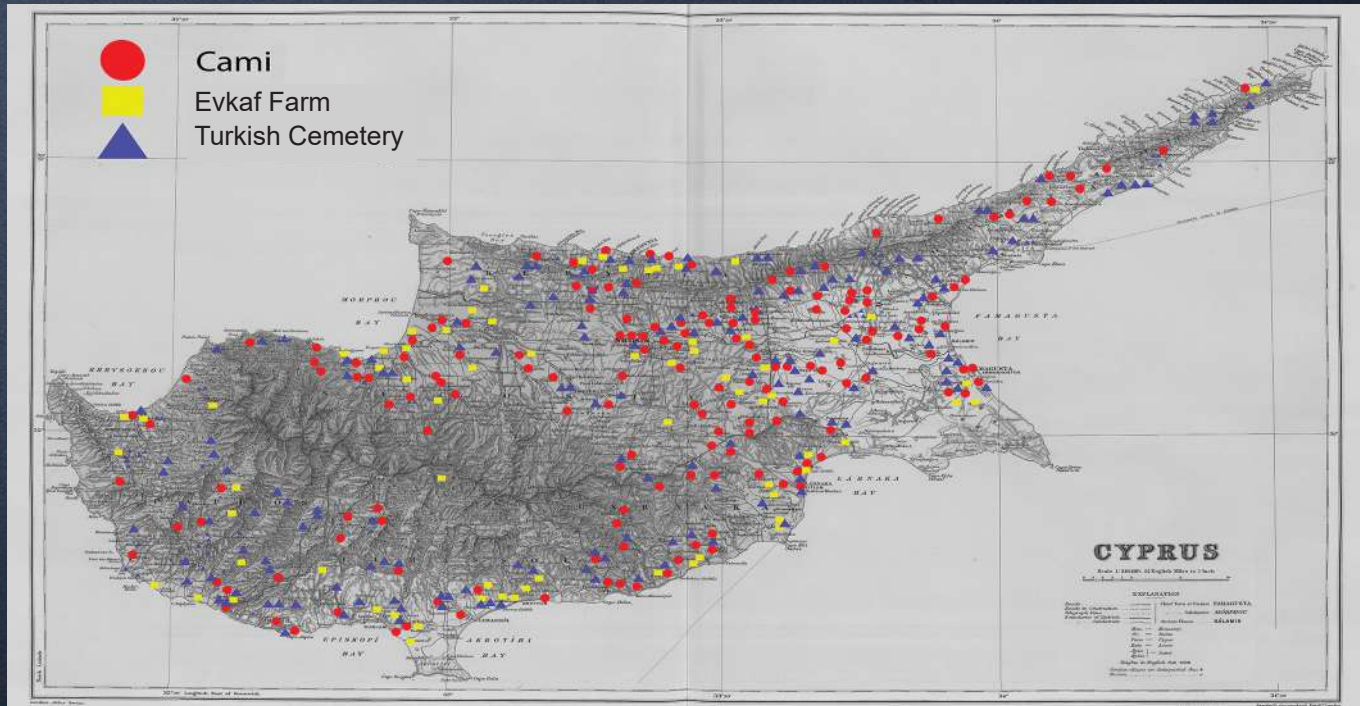


# be taken out from International Common Practice Laws

Violations of Evkaf domain seized in Cyprus are violating the International Law. According to the rules Evkaf domain cannot be disposed, transferred and donated by the International Common Law, major Evkaf regulations (Ahkâm-ül Evkaf), international agreements containing rules about waqfs, in the basis of international legal precedents and doctrines. These basic principles are under application in all the Islamic countries for more than 1400 years.

Therefore principles of Evkaf are part of International Common Law. Consequently, claiming that it is legal to donation, sale, transfer of waqf domain is absolutely invalid and zilch. Such transactions are legally invalid.

Following 1878, 92 % of the waqf domain was extracted from waqf property.



# ***Our main purpose is to sustain***

Although 92 % of the Evkaf properties were seized and extracted from the domain of Evkaf, scholarships given to thousands of students, contributions made for schools, libraries constructed, needs of hospitals are being faced in the present day. Supports provided for patients, elderly people and students.

Cheap shops and fields are rented to young people willing to establish business. In spite of the loss of property and income, Evkaf continues charities in all fields. Let's think about all these seized properties.

We can see that the charities will be increased, almost all the problems of the country will have a solution with the increase of the possibilities.

5 Ambulances purchased by Evkaf in 2020.



# ***the welfare civilisation***

Evkaf, constructing schools and hospitals in places of need by its own potential, giving the chance to the people to have the free advantage of these, contributing to the economy by creating a tool for growing strong of the people, will have a great role for a self-satisfying country.

As our ancestors had made, the main object is to sustain a welfare civilisation by serving all the humanity without any discrimination of religion, language, nationality and race.

Evkaf Turkish Educational College of İskele constructed in 2021.



# **It is a crime against humanity to remove the waqf status of a property.**

Throughout the world, waqf means real estate given to the service of humanity without distinction of race, religion, language, nationality.

It is a crime against humanity to remove the status of waqf from property, that is, to take it away from the service of humanity and give it to people to become rich.



KIBRIS  
VAKIFLAR  
İDARESİ

1571