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Case Cypriot Icon – Boy George and the Greek Orthodox Church in Cyprus

Boy George – Greek Orthodox church in Cyprus/Eglise grecque orthodoxe de Chypre – Antiquity/antiquités – Spoils of war/butins de guerre – Negotiation/négociation – Settlement agreement/accord transactionnel – Ownership/propriété – Symbolic gesture/geste symbolique – Unconditional restitution/restitution sans condition

When the representative of the Greek Orthodox church of Cyprus, Bishop Porfyrios, watched a television interview with the British singer, Boy George, he discovered that an 18th century Cypriot icon was hanging in the singer's living room. The artefact depicting Jesus Christ Pantokrator was displayed in the Cypriot Church of St. Charalambos, before it was allegedly looted during the Turkish invasion of 1974. At the request of the Bishop, Boy George immediately agreed to return the artefact and received a gift in return.

I. Chronology; II. Dispute Resolution Process; III. Legal Issues; IV. Adopted Solution; V. Comment; VI. Sources.

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I. Chronology

Spoils of war

- **In 1985, Boy George**, a British singer officially named George O'Dowd, purchased allegedly with good faith **an 18th century Cypriot icon** from an art dealer in London. The gold-leafed Greek Orthodox icon depicts Jesus Christ Pantokrator and has been **looted from the Church of St. Charalambos** in Neo Chorio-Kythreas in northern Cyprus during the Turkish invasion of **July and August 1974**.¹
- **In early 2011, the Cypriot Bishop Porfyrios of Neapolis**, assistant Bishop to the Archbishop of Cyprus within the Greek Orthodox church, happened by chance to be watching an interview of Boy George in his living room, where the icon was hanging. By means of further investigations, the Bishop recognized that the icon was an artefact that had been stolen in the Church of St. Charalambos almost 30 years ago. He contacted Boy George's Cypriot composer John Themis to ask for its return. The singer agreed right away. The official handing over ceremony took place at the Cypriot Church of Saint Anagyre in north London, before the icon was transferred to Cyprus.

II. Dispute Resolution Process

Negotiation – Settlement agreement

- When seeking for the return of the icon, the Bishop of the Greek Orthodox church of Cyprus personally contacted Boy George's friend and composer, also of Cypriot origin, John Themis. During a personal meeting between the singer and the Bishop, appropriate certifications for the ownership of the icon by the Church of Cyprus were presented to Boy George and both parties orally agreed to a settlement.²

III. Legal Issues

Ownership

- Although no legal questions were officially raised during negotiations, a hypothetical legal issue may have been the title of ownership to the icon. In particular, one may ask as to whether the prominent issue of a good or bad faith acquisition of stolen or illegally exported artefacts requires a certain level of due diligence when purchasing art.³ However, given that Boy George purchased the object in London, he may not have acquired the property title under the

¹ Many Cypriot artefacts disappeared during the invasion and were subsequently sold on the black market; see Sean Michaels, "Boy George Returns Lost Icon to Cyprus Church," *The Guardian*, January 20, 2011, accessed January 6, 2012, <http://www.guardian.co.uk/music/2011/jan/20/boy-george-icon-cyprus-church>.

² There was no written agreement; Bishop of Neapolis Porfyrios Papastylianou, Representative of the Church of Cyprus to the European Union, personal communication, March 16, 2012.

³ See for instance, Marc-André Renold, "Stolen Art: The Ubiquitous Question of Good Faith," in *Witnesses to History – Documents and Writings on the Return of Cultural Objects*, ed. Lyndel V. Prott (Paris: UNESCO, 2009), 309.

scheme of an acquisition of property in good faith (*Nemo dat quod non habet* rule under English law).

IV. Adopted Solution

Unconditional restitution – Symbolic gesture

- Without hesitation, Boy George agreed for the artefact to be returned to “its original rightful home”⁴. He has not asked for any monetary compensation. He expressed, however, the wish for the icon to return to its original iconostasis in the Church of St. Charalambos when it is liberated from Turkish occupation.⁵
- In return and as a sign of gratitude, the Bishop Porfyrios donated another smaller icon to the singer.

V. Comment

- Very unbureaucratically and rapidly, the singer and the Bishop found an understanding for the return of the icon. According to a subsequent interview⁶, Boy George was not surprised to hear about the Bishop’s request, and agreed for its repatriation straight away.
- Despite the singer’s exemplary reaction when confronted with the restitution request, the icon’s acquisition in the 80s may remain questionable in view of several practical grounds. In fact, certain aspects could have encouraged Boy George to proceed to further verifications, including the relatively low price he paid for it, and his awareness about possessing a “special” piece of art from the 18th century.⁷ One may also query on the completion of the purchasers due diligence. In fact, while the awareness for illicitly removed and traded cultural property has greatly developed in the last 20 years, the key international policy frameworks were already put into place at the time of the purchase, and the Turkish systematic plundering of 1974 in Cyprus was wide-spread news.
- Overall, the case highlights the actual consequences of illicitly removed cultural property during an armed conflict which occurred almost 40 years ago. Despite Turkey’s accession in 1965 to the 1954 Hague Convention for the Protection of Cultural Property During Armed Conflict and its Protocols and to the overall awareness which has arisen for matters of illicitly traded and exported cultural property since the enactment of the UNESCO Convention of 1970 (ratified by Turkey in 1981), the policies have not prevented the Turkish military from destroying and dismembering a large number of historic monuments and religious sites during

⁴ “Boy George Returns Christ Icon to Cyprus Church,” *BBC News*, January 19, 2011, accessed January 6, 2012, <http://www.bbc.co.uk/news/entertainment-arts-12228059>.

⁵ Bishop of Neapolis Porfyrios Papastylianou, Representative of the Church of Cyprus to the European Union, personal communication, March 16, 2012.

⁶ “Boy George, the Cypriot Bishop and the stolen icon of Christ.” *BBC Radio 5*, Interview, January 19, 2011. Accessed January 6, 2012, <http://www.bbc.co.uk/programmes/p00dcfwc>.

⁷ *Ibid.*

its invasion of 1974.⁸ Notably, several orthodox churches had been plundered and their icons removed.⁹ Without surprise, the Greek Orthodox Church in Cyprus has, ever since the invasion, addressed several restitution requests to purchasers of such icons, including Boy George. However, not all of them have met with similar sympathy. In the very prominent case, *Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts Inc*¹⁰, the United States District Court of the State of Indiana examined the church's claim in replevin in a comparative analysis of both American and Swiss law.¹¹ As hypothetically broached above¹², the court questioned under Swiss law the *bona fide* acquisition of the icon by the last owners, considering that the art dealers had not properly exercised due diligence verifications on the icon to exclude all possible doubts on the provenance of the mosaics. The church's claim was ultimately granted, given that an acquisition even in good faith is not valid under U.S. law. In another case disputed in The Netherlands¹³, the Church's restitution claim failed at the Dutch Civil Code provisions regarding the good faith acquisition of title to the icon, as pled by its Dutch owners. Following years of campaigning by the Cyprus government and the Church of Cyprus, the Parliamentary Assembly of the Council of Europe issued Resolution 1628 in 2008¹⁴ urging both Turkish and Cypriot authorities to undertake all necessary measures for the preservation and restoration of all historic and religious monuments in Cyprus.¹⁵

⁸ Stephan Matyk, "The Cypriot Icons in The Netherlands (Lans Case)," in *Witnesses to History – Documents and Writings on the Return of Cultural Objects*, ed. Lyndel V. Prott (Paris: UNESCO, 2009), 386.

⁹ Ibid.

¹⁰ *Autocephalous Greek-Orthodox Church of Cyprus v. Goldberg & Feldman Fine Arts Inc*, 717 F.Supp. 1374 (1989) Federal Supplement law reports US); 917 F.2d 278 (7th Cir. 1990) (Federal Reporter 2nd series US).

¹¹ See also Raphael Contel, Alessandro Chechi, Marc-André Renold, "Case Mosaics – Autocephalous Greek Orthodox Church of Cyprus v. Goldberg", Platform ArThemis (<http://unige.ch/art-adr>), Art-Law Centre, University of Geneva, January 2012.

¹² See chapter III above.

¹³ *Autocephalous Greek-Orthodox Church of Cyprus v. Lans*, District Court of Rotterdam, Case number 44053, Roll number Ha Za 95-2403, Ruling: February 4, 1999; see also Stephan Matyk, "The Restitution of Cultural Objects and the Question of Giving Direct Effect to the Protocol of the Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict 1954," *International Journal of Cultural Property* 9 No. 2 (2000): 341 et seqq; Lyndel V. Prott, "Cultural Heritage Law: The Perspective of the Source Nations," *Art Antiquity and Law* Vol. 5 Iss. 4 (December 2000): 340.

¹⁴ Council of Europe Resolution 1628, para. 11.4, Oct. 1, 2008, accessed January 6, 2011 <http://assembly.coe.int/Mainf.asp?link=/Documents/AdoptedText/ta08/ERES1628.htm>.

¹⁵ For a more detailed report of the impact of the Turkish-Cypriot war on the cultural goods, see The Law Library of Congress – Cyprus, "Destruction of Cultural Property in the Northern Part of Cyprus and Violations of International Law," April 2009, prepared by Theresa Papademetriou, accessed January 6, 2011, http://www.loc.gov/law/help/cyprus_final_rpt.pdf.

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