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المجلس الاقتصادي والاجتماعي



لجنة حقوق الإنسان
الدورة التاسعة والخمسون
البند ١١ (ج) من جدول الأعمال المؤقت

الحقوق المدنية والسياسية، بما في ذلك مسألة حرية التعبير

رسالة مؤرخة ٢٩ نيسان/أبريل ٢٠٠٣ موجهة من البعثة الدائمة لتركيا لدى مكتب
الأمم المتحدة في جنيف إلى مفوض الأمم المتحدة السامي لحقوق الإنسان

بالإشارة إلى الرسالة المؤرخة ١٦ آب/أغسطس ٢٠٠٢ الموجهة إليكم من ممثل القبارصة اليونانيين لدى مكتب الأمم المتحدة في جنيف، أود أن أرفق طيه نسخة من رسالة سعادة السيد تحسين إرتوغرولوغلو وزير الخارجية والدفاع بالجمهورية التركية لشمال قبرص.

وأكون ممتناً إذا عملتم على تعميم هذه الرسالة* كوثيقة رسمية من وثائق الدورة الستين للجنة حقوق الإنسان.

(توقيع):
توكي كول كورتكين
السفير
الممثل الدائم

* مستنسخة في المرفق ، باللغة التي قدمت بها فقط.

Annex



TURKISH REPUBLIC OF NORTHERN CYPRUS
MINISTRY OF FOREIGN AFFAIRS AND DEFENCE
(Lefkoşa via Mersin 10 Turkey)

14 April 2003

Your Excellency,

I have the honour to refer to the letter dated 16 August 2002 addressed to you by the Greek Cypriot representative at the UN Office in Geneva, Mr. Alexandros Vikis, in connection with the sentencing of two Turkish Cypriot journalists in 2002 (E/CN.4/2003/G/43 of 21 March 2003).

An article, entitled "*Who is the Prime Traitor?*" published on 29 July 1999, in the then *Avrupa* (now *Afrika*) newspaper had led to the sentencing of Şener Levent, Director and Chief Editor, and Memduh Ener, writer of the said article, to six months of imprisonment by the Lefkoşa District Court. In the said article, the aforementioned had made slanderous, politically motivated and inflammatory accusations against the President of the Republic.

Charges were brought against the defendants by the Attorney-General's Office for having violated the Criminal Code of the TRNC, on account of "defamatory libel". The defendants continued their false allegations in and out of the Court without any evidence

to support their allegations. The aforementioned individuals were given a fair hearing in accordance with the due process of law. The Judgement delivered on 8 August 2002 was in accordance with sections 20, 35, 194, 195, 197, 198 and 201 of Chapter 154 of the Criminal Code and was based on *"the writing and dissemination of an article which carried a risk of harming the presidential authority."* The Court, in its consideration of the case, took into account as aggravating circumstances the code of conduct of the defendants, namely *"the fact that the defendants did not apologise before the Court and declared that they do not recognise the laws of the TRNC."*

Furthermore, the Court also took into account other aggravating circumstances, namely *"the means used by the defendants (i.e. the use of the press) as well as the fact that it was directed at the President"*. The Court also bound over *Avrupa* in the sum of five billion Turkish Lira (approximately 3000 U.S. dollars), which they are required to pay should they ever repeat their offences within two years. In accordance with Chapter 155 of the Criminal Procedure, the defendants were given the right to appeal within 10 days.

Attempts by certain circles to portray the incident as a restriction on the freedom of expression and of the press are politically motivated, and are aimed at misrepresenting the TRNC as a country where basic freedoms are under threat. Our Courts are fully independent as confirmed by various reports on human rights in Cyprus as a whole and are on a par with any independent judiciary in democratic countries. The latest annual report of the US State Department on Human Rights Practices in Cyprus (2002), notes the following in respect of Northern Cyprus: *"Laws provide for freedom of speech and of the press and these rights were generally respected in practice throughout the island...."*

As would be the case in any other democratic country, fundamental freedoms are naturally subject to and constrained by the Rule of Law. Journalists in the TRNC, as in every other democratic State, are expected to act in line with the internationally accepted standards and ethics of journalism. It should be borne in mind that freedom of expression and of the press does not give anyone the right to publish "defamatory material".

Before concluding, I wish to underline that the depiction by the Greek Cypriot representative of the Turkish army as an "occupation army" is totally unacceptable. The Turkish Peace Forces in Cyprus were dispatched to the island in accordance with the

rights and obligations of Turkey arising from the 1960 Treaty of Guarantee, in order to prevent the annexation of the island to Greece in the wake of a bloody coup d'état by the Greek Junta. The presence of the Turkish Peace Forces in Cyprus is a vital security requirement for the Turkish Cypriot people as it serves as a deterrent against the repetition of the Greek-Greek Cypriot atrocities of the past.

I would like to reiterate that the Turkish Republic of Northern Cyprus was established in exercise of the right to self-determination of the Turkish Cypriot people and has a fully fledged democracy with an effectively functioning government, a democratically elected legislature, an independent judiciary and all other institutions of statehood.

Please accept, Excellency, the assurances of my highest consideration.



Tahsin Ertuğruloğlu
Minister of Foreign Affairs
and Defence
