



Генеральная Ассамблея

Distr.: General
4 April 2013
Russian
Original: English

Совет по правам человека

Двадцать вторая сессия

Пункт 2 повестки дня

Ежегодный доклад Верховного комиссара

Организации Объединенных Наций

по правам человека и доклады Управления

Верховного комиссара и Генерального секретаря

Вербальная нота Постоянного представительства Турции при Отделении Организации Объединенных Наций в Женеве от 21 марта 2013 года, адресованная Управлению Верховного комиссара Организации Объединенных Наций по правам человека

Постоянное представительство Турецкой Республики при Отделении Организации Объединенных Наций в Женеве и других международных организациях в Швейцарии свидетельствует свое уважение Управлению Верховного комиссара Организации Объединенных Наций по правам человека и имеет честь препроводить копию письма Министра иностранных дел Турецкой республики Северного Кипра Хусейна Озгюргюна от 20 марта 2013 года, в котором отражены мнения киприотов-турок в отношении доклада УВКПЧ по вопросу о правах человека на Кипре (A/HRC/22/18), представленного Совету по правам человека на его двадцать второй сессии.

Постоянное представительство Турецкой Республики будет признательно за надлежащее распространение настоящей вербальной ноты и приложения к ней* в качестве документа двадцать второй сессии Совета по правам человека.

* Воспроизводится в приложении в полученном виде только на том языке, на котором оно было представлено.

Annex

[English only]

I have the honour to refer to the Report on the “Question of Human Rights in Cyprus” dated 1 February 2013 and to bring to your kind attention the following facts and considerations:

First of all, I wish to underline, once again, that the references in the Report to the so-called “Republic of Cyprus” and “Government of Cyprus” reflect neither the realities nor the legal position in Cyprus. Ever since the forcible expulsion of the Turkish Cypriot co-founder partner from the legitimate bi-national Government of the 1960 partnership Republic, there has been no constitutional Government representing both peoples of the Island. The Turkish Cypriots did not accept the forceful takeover of the partnership State by the Greek Cypriot side in 1963 and, through its decisive resistance, prevented the Greek Cypriot side from extending its authority over the Turkish Cypriot people. Hence, since December 1963, there has not been a joint central administration in the Island, capable of representing the whole of Cyprus, either legally or factually. Each side has since ruled itself, while the Greek Cypriot side has continued to claim that it is the “Government of Cyprus”.

Firstly as a general overview, it is difficult to comprehend how the violation of the basic human rights of the Turkish Cypriot people has not been adequately addressed in the Report. Such a negligent stance towards the human rights of the Turkish Cypriot people is both unfortunate and disappointing. In reality, the all-encompassing isolation imposed on the Turkish Cypriots by the Greek Cypriot side ranges from denying the Turkish Cypriot people the right to representation in international fora; preventing or restricting their travel abroad and their communication with the outside world; curtailing the trade and tourism between the TRNC and the outside world, and hampering all cultural, academic and sporting relations of the Turkish Cypriot people with other countries.

As it is well known, former UN Secretary-General H.E. Mr. Kofi Annan in his Report to the Security Council dated 28 May 2004 (S/2004/437), called upon the international community to “eliminate the unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development”. In your Report dated 3 December 2007 (S/2007/699), Your Excellency yourself regret that the “ongoing debate on the lifting of the isolation of the Turkish Cypriots has become a debate on recognition...” and clearly state that “the maintenance of economic, social, cultural, sporting or similar ties or contacts (did) not amount to recognition ... on the contrary, it (would) benefit all Cypriots by building trust, creating a more even playing field and thus greatly contributing to the reunification of the Island”.

The European Council of Foreign Ministers, on 26 April 2004, underlined the determination of the Council “to put an end to the isolation of the Turkish Cypriots”. In a similar spirit, the Parliamentary Assembly of the Council of Europe and the Organization of Islamic Cooperation also adopted resolutions calling for the lifting of restrictions on the Turkish Cypriots. Despite the expressed will of the international community to lift the isolation of the Turkish Cypriot people following the Turkish Cypriot “Yes” vote to the UN Comprehensive Settlement Plan of 2004, restrictions on the Turkish Cypriots continue in all aspects of life.

In view of the above, we recommend and expect the Report on human rights to include references to human rights violations against the Turkish Cypriots as a result of the isolation imposed by the Greek Cypriot side. Most notably in this regard, a shortcoming of the current Report is the lack of reference to the unfortunate fate of the Direct Trade Regulation (DTR) proposed by the European Commission, which was at least noted in previous reports. While this omission conforms with the Greek Cypriot approach to remove the Direct Trade Regulation from the EU agenda, and its efforts have been successful to a certain extent, we believe it is all too important that the UN continues to support the Direct Trade Regulation, which is considered a necessary step towards easing the isolation of the Turkish Cypriot people. It is, therefore, our firm opinion that the present Report should also include satisfactory detail on the fate of the Direct Trade Regulation as a demonstration of UN support for removing the obstacles in the way of the exercise of all human rights by the Turkish Cypriot people.

It has been almost eight years since the Turkish Cypriots expressed their desire for a political settlement and membership to the European Union with their overwhelming “yes” vote to the UN Comprehensive Settlement Plan. The plan was nevertheless rejected by the Greek Cypriot voters and as a result, only the Greek Cypriot part of the Island joined to the EU. The EU Council of Foreign Ministers then produced a decision dated 26 April 2001 calling for an end to the isolation of the Turkish Cypriots and accordingly, the EU Commission drafted and submitted two regulations, namely the Financial Aid Regulation and Direct Trade Regulation. An important fact that should not be overlooked is that the said decision was taken without any preconditions attached to or any concessions expected from the Turkish Cypriot side. On the contrary, the two regulations were seen as the least the EU could and should do to remedy the unjust situation which arose as a result of the Greek Cypriot rejectionist attitude. Due to the Greek Cypriot obstructions, firstly the two regulations had to be decoupled and then the Financial Aid Regulation could only be adopted after a delay of two years and following many changes which were made to please the Greek Cypriot side. As a matter of fact, the Financial Aid Regulation is not functioning effectively, again due to the obstacles created by the Greek Cypriots. On the other hand, the Direct Trade Regulation which is considered as a step towards easing the isolation of the Turkish Cypriot people is still pending, again due to the objectionist policy of the Greek Cypriot side. Adding insult to injury, the Greek Cypriot side has launched a vigorous campaign against the adoption of the Direct Trade Regulation and the Greek Cypriot Minister of Foreign Affairs is on record stating on 13 September 2010 that if the Direct Trade Regulation was to be adopted by the EU, they would not only terminate the ongoing negotiation process but also block Turkey’s EU accession candidature.

As regards the general approach and terminology incorporated throughout the Report, it is observed that it conveniently overlooks the historical background, overall political picture and developments on the Island, thus, not only contradicts the political realities of the Island but fails to reflect the full reality on the question of human rights in Cyprus.

In view of the references in the Report to the term “Cypriots”, it should be noted that there exists in Cyprus no such national identity. It should be recalled that the 1960 Agreements had created a State, albeit a short-lived one, but not a nation. Cyprus is comprised of two peoples, namely the Turkish Cypriots and the Greek Cypriots, who are negotiating on an equal basis to reach a just and viable settlement of the Cyprus issue. It should also be noted that even the Constitution of the now defunct 1960 Republic of Cyprus states that there exists in Cyprus two communities who are of Greek and Turkish origin. Article 2 of the Constitution reads “the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the

Greek cultural traditions or who are members of the Greek-Orthodox Church; the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems". As it would be untenable to claim that a "Cypriot" nation had emerged during the troublesome three years which led to the collapse of the Republic in 1963, any reference to a "Cypriot" nation or Cypriots is factually wrong and misleading.

It is observed that while on one hand the "Introduction" section of the current report refers to the outdated resolutions of the Commission on Human Rights and in this context to the so-called "sovereignty, independence, territorial integrity and non-alignment of the Republic of Cyprus", on the other hand it fails, once again, to refer to the Greek Cypriot rejection of the 2004 UN Plan for a comprehensive settlement, following which the then Secretary-General of the UN, Mr. Kofi Annan, had rightly underlined in his report dated 28 May 2004 (S/2004/437) that "The rejection of such a plan by the Greek Cypriot electorate is a major setback. What was rejected was the solution itself rather than a mere blueprint."(para.83)

In paragraph 7 of the Report, the remark to the effect that "For the purpose of the Report, in the absence of an Office of the High Commissioner for Human Rights (OHCHR) field presence in Cyprus, the OHCHR has relied on a variety of sources with particular knowledge of the human rights situation on the Island as well as on recent findings of international and regional human rights mechanisms", is duly noted. It has been observed, however, that documents of European bodies have been used extensively, especially on the issues of property claims and missing persons and in other parts of the Report which give the false impression that Turkey is to be held accountable on these issues and that, therefore, Turkey and not the Turkish Cypriot side is the counterpart of the Greek Cypriot administration. This is not only erroneous and unacceptable, but also contradicts the established UN parameters.

The references in the Report to the Turkish Cypriot authorities as "the de facto authorities in the northern part of the Island" are most disappointing and unacceptable as it contradicts established UN terminology. It is clearly recorded in relevant UN documents, including the reports and press statements of the UN Secretary-General, that there are two parties in Cyprus and that the UN authorities, namely UNFICYP and good offices mission personnel, work in close cooperation and contact with the Turkish Cypriot authorities in the North and the Greek Cypriot authorities in the South of the Island. While the UN Secretary-General and his Secretariat in New York deem it fit to acknowledge the realities on the Island and make reference to Turkish Cypriot authorities in official UN documents, it is most disturbing that the Report refers to Turkish Cypriot authorities as "de facto" which seriously undermines established UN parameters such as political equality of the two peoples and the principle of equal footing, on which the UN negotiation process rests. We, therefore, expect that the OHCHR omits such biased references which have not been used in any of the previous human rights reports and continues using customary UN terminology, namely the Turkish Cypriot authorities.

Another issue of concern which prevails throughout the Report is the selective references to reports, decisions and declarations of other international bodies. It is most regrettable that the Report chooses to quote from either one-sided bodies such as the EU Parliament or from reports dealing with the monitoring of the application of international Conventions by the so-called "Republic of Cyprus". This misguided approach inevitably affects the impartiality of the Report and culminates in the reflection of Greek Cypriot political views and unfounded allegations on many issues such as the property rights and missing persons in the relevant sections of the Report.

In paragraph 9 of the Report, the unnecessary reference to the observation of the Committee on the Rights of Child serves nothing but the interests of the Greek Cypriot administration. In addition, it should be mentioned at this point that the Turkish Cypriot relevant authorities did not receive any request regarding information on children living in the Turkish Republic of Northern Cyprus. The Turkish Cypriot side is ready to cooperate and share information with the Committee on the Rights of Child on this issue.

Under the subsection “Right to life and the question of missing persons”, it is observed that detailed information on the work of the Committee on Missing Persons, as well as references to a number of court cases have been included in the Report. It is also observed that the positive developments regarding the work of the Committee have been noted as commendable. It needs to be noted, in this context, that the Turkish Cypriot side, including all staff and authorities involved in the work of the Committee, has done its utmost to contribute to the speedy conclusion of issues at hand and responded positively to all requests of the Committee and its members.

Unfortunately, over a year ago the office of the Greek Cypriot member declared that there was a need for 14 new personnel, 10 of which could only be recently recruited. This nearly year-and-a-half-long period significantly delayed the work of the CMP which, in nature, requires cooperation between the two communities and sufficient staff by both. Furthermore, the changing of the Greek Cypriot member of the Committee negatively affected the work and the unanimous decision-making mechanism of the Committee, as it took a period of six months for the appointment of the new Greek Cypriot member, Mr. Aristos Aristotelous.

Given the detailed account of court cases on the issue of missing persons, we strongly believe that the present Report should also have made reference to the case of *Androulla Palma v. Cyprus Republic* in which the relevant Greek Cypriot court recently ruled against the Greek Cypriot administration on the grounds that it had been withholding information regarding the death and burial site in South Cyprus of a Greek Cypriot missing person, Mr. Charalambos Palmas with a view to inflating the list of missing Greek Cypriots. The said case is an unfortunate example of the lengths the Greek Cypriot authorities are willing to go to in order to exploit humanitarian issues, even at the expense of the pain and suffering of their own citizens.

We have expected the Report to reflect the incidents of racist attacks towards the Turkish Cypriots by the Greek Cypriots during the Reporting period under the subsection “Non-discrimination”. However it is most unfortunate that, unlike previous Reports, the present Report did not take into account such incidents. I, therefore, deem it necessary to share the relevant examples in this regard below:

It was reported by the Turkish Cypriot daily *Kıbrıs* newspaper on 7 March 2012 that a bus with 9 Turkish Cypriots and 8 British citizens were prevented from crossing from the North to the South on the grounds that the English citizens are not allowed to cross for tourism purposes in a Turkish Cypriot vehicle. The Greek Cypriot police stated that only the Turkish Cypriot passengers could pass, despite the fact that all the passengers were en route to a business meeting in Larnaka. One of the Turkish Cypriot passengers later stated to the press that a similar group of people, both British and Turkish Cypriot, had been permitted to cross in a similar vehicle just a few days prior to this incident.

Another unacceptable and unjustified behaviour of the Greek Cypriot side which occurred during the reporting period, particularly October 2012, involves the difficulties created by the Greek Cypriot police to the drivers of Turkish Cypriot commercial vehicles

(taxis and rent-a-cars) while they were travelling in South Cyprus, usually transferring tourists to and from airports in the South. According to the testimonies of the members of the Turkish Cypriot Tourism and Travel Agents Union, TRNC Rent-a-car Companies' Union, Turkish Cypriot United Taxi Drivers' Union and Hoteliers' Union, the Greek Cypriot policemen started stopping the TRNC registered cars almost every time they are spotted and, instead of routine traffic checks, they did their utmost to create difficulties, intimidate the drivers and their passengers, and go as far as fining the drivers on grounds of not wearing seat belts, despite the fact that they could clearly see that the seat belts of both the drivers and passengers were on. In several cases, the Turkish Cypriot driver and their foreign passengers who objected to being fined on an unjust basis, were taken to police stations and kept there for hours. Moreover, it is the testimony of these drivers as well as others that, upon their objections the Greek Cypriot policeman told them that "We will continue with these fines until we get back the money paid by our three policemen to your authorities", referring to the provocative incident created in the Turkish Cypriot village of Akıncılar in September 2012 by Greek Cypriot policemen who violated the UN buffer zone and the territory of the TRNC unlawfully in pursuit of a Turkish Cypriot vehicle for alleged traffic offenses and who were arrested by Turkish Cypriot police. According to the testimony of one Turkish Cypriot driver, the foreign passenger travelling in his car had also objected to the injustice of the Greek Cypriot police and had been told that "It is your own choice to travel in this Turkish Cypriot car, so you have to bear the consequences that come with your choice".

Under the subsection "Freedom of movement" the Report does not adequately address the issue of trade between the two sides within the context of the Green Line Regulation and fails to reflect the difficulties encountered by the Turkish Cypriots in terms of intra-Island trading due to the Greek Cypriot side's obstructionist policies. As a matter of fact, the Green Line Regulation which sets out the legal framework for the crossing of persons and goods, as of 1 May 2004, from the North to the South has faced many obstacles ever since its initial implementation. The physical and psychological barriers created by the Greek Cypriot side still hinder trade from North to South. For example, the Turkish Cypriot traders are unable to display their products on the shelves of the supermarkets in the South and cannot advertise in the Greek Cypriot press. Due to such obstacles, the volume of trade between the two sides is far below its potential.

In paragraph 26, while the Report notes that the name of "the Greek Cypriot Bishop of Karpasia (Christoforus Tsiakkis), "...had been put by the de facto authorities on a 'stop-list' since January 2012", it fails to mention the reasons behind this rightful decision. Firstly, the title of "Bishop of Karpasia" is not recognized by the Turkish Cypriot side, a fact which is known by both UNFICYP and by Mr. Tsiakkis himself. Secondly, out of respect to his religious capacity Bishop Tsiakkis could freely visit Karpasia and attend religious services in the past. However, he did not have the authority to lead such services as they are performed by authorized Greek Cypriot priests either living in the area or crossing from the Greek Cypriot side with the agreement of our authorities. Finally, despite our repeated warnings through written communication which is also recorded by UNFICYP, Bishop Tsiakkis insisted on pressurizing authorized priests to provide for his leading of religious services and made highly inflammatory speeches stirring enmity and social unrest between the Greek Cypriot and Turkish Cypriots communities living in the area.

It is most unfortunate, in this respect, that while the Report refers to the right of religious leaders to visit their communities without due restrictions, it omits any reference to the well known fact that the highest religious authority and the religious leader of Muslim Turkish Cypriots, Head of Religious Affairs, Mr. Talip Atalay, is simply banned

from crossing to South Cyprus to visit the Turkish Cypriot community or religious sites. In the name of impartiality, we expect that this uncalled policy of the Greek Cypriot authorities based on ethnic origin is also recorded. In fact, the policy of the Greek Cypriot authorities whereby the Turkish Cypriot citizens originating from Turkey as well as citizens of the Republic of Turkey living on the Island are not allowed to cross to South Cyprus needs to be dealt with as a separate issue under restrictions on the freedom of movement.

I also deem it necessary to inform the Special Rapporteur that the term “settler” is not an accurate representation of the Turkish Cypriot citizens originating from Turkey, but is a term which is widely used by the Greek Cypriot side with the aim of branding the said people by making distinction among our citizens based on their ethnic background or place of birth. It is most unfortunate that such a discriminatory terminology is used in a UN report. In this connection, it needs to be noted that the Turkish Cypriot authorities do not impose any restrictions on freedom of movement on the basis of place of origin, ethnicity or any other classification. It is high time that the Greek Cypriot side revokes its policies which inhibit the freedom of movement, religion and belief of the Turkish Cypriot citizens on the basis of archaic categorizations such as ethnicity and place of origin.

In paragraph 33, the Report refers to the recommendation of the Special Rapporteur on freedom of religion or belief regarding handling of heritage claims of Christian minorities by the Turkish Cypriot authorities, including real estate issues, “in a fair and transparent manner”. It should be duly noted here that one of the most fundamental issues regarding the Cyprus question is the property issue and it affects not only the Greek Cypriot people but also the Turkish Cypriot people. In fact, many Turkish Cypriots were forced to abandon their homes at gunpoint as early as the late 1950’s, becoming refugees three or four times during the period between 1963 and 1974 and leaving a considerable amount of property in South Cyprus. It should also be underlined that the Turkish Cypriot side never denied the inalienable right to property and, thus, on the basis of the guidelines suggested by the European Court of Human Rights, the TRNC Legislative Assembly enacted the “Law for the Compensation, Exchange and Restitution of Immovable Properties” and in the beginning of March 2010, the European Court of Human Rights (Grand Chamber), concluded in *Demopoulos v. Turkey* and seven other cases that the Immovable Property Commission (IPC) “provides an accessible and effective framework of redress in respect of complaints about interference with the property owned by the Greek Cypriots”. It has therefore been legally acknowledged that IPC provides an effective domestic remedy for the Greek Cypriot claims related to properties in North Cyprus.

As regards the inheritance rights of persons living in the Southern part of Cyprus in respect of property located in the Northern part of Cyprus owned by their deceased Greek Cypriot relatives, it should be indicated that at present they may be exercised without any restriction.

The requirement stipulated in the TRNC Council of Ministers decision of July 2002, that heirs must start the necessary proceedings for administration of an estate situated in the northern part of Cyprus within one year of their relative’s death has been abolished. The new 27 February 2008 decision (518-2008) of the TRNC Council of Ministers, says that such persons are subject to the same laws regarding inheritance that apply to citizens of the TRNC. Legislation applicable here includes the “Wills and Succession Law (Chapter 195)” and the “Law on Administration of Estates (Chapter 189)”. Neither of these laws makes any distinction between “citizens” and “aliens” and allows Greek Cypriots residing in South Cyprus to carry out the procedure for administering an estate without a TRNC identity card.

Once the procedure for administering an estate has been completed, heirs can enjoy their property on the same terms as Greek Cypriots living in the Karpas region. Heirs may also apply directly to the Immovable Property Commission for compensation or an exchange of property.

Paragraph 34 of the Report refers to a declaration adopted by the European Parliament, one of the main institutions of the European Union of which the Greek Cypriot administration is a member. It is, thus, amply clear that the said declaration has been extracted by the Greek Cypriot side in support of its policies and allegations regarding the Cyprus question. Nevertheless, it is inevitable that as a political institution of the Union, the European Parliament cannot adopt an objective approach to the Cyprus question, since by illegally accepting the so-called “Republic of Cyprus” as a member in the absence of a political solution, the European Union has automatically become a party to the dispute. If the OHCHR considers appropriate to include the position of the European Parliament in its Report, it is our strong expectation that in the name of impartiality the relevant parts of the latest Resolution on the situation in Cyprus adopted at the 39th Session of the Council of Foreign Ministers of the OIC held in Djibouti in November 2012 should also be included.

Without prejudice to our foregoing position, it needs to be noted that the issue of Maraş (Varosha) has always been discussed as part of a negotiated solution and needs to be discussed and solved under UN auspices within the framework of a comprehensive agreement. This is also the established UN approach to the issue and even at times when Maraş was included in UN confidence building proposals, the issue was taken up as part and parcel of a comprehensive package aimed at paving the way for a final agreement. Moreover, with regard to the statements in Paragraph 34 attributing responsibility to Turkey regarding Maraş, I deem it necessary to underline that Turkey has no political authority or jurisdiction in Northern Cyprus. These are matters that are solely in the hands of the legitimate and democratically elected authorities of the Turkish Republic of Northern Cyprus whose jurisdiction extends over the whole territory of the TRNC, including Maraş. I also would like to remind that every party interested in Cyprus is well aware of the Greek Cypriot refusal of the comprehensive settlement plan on Cyprus in 2004, which was a unique opportunity to reach a just and lasting solution on the Island. It needs to be stressed, however, that this was not the first time that a settlement initiative of the UN was rejected by the Greek Cypriot side. The 1985-86 Draft Framework Agreements, the 1992 Set of Ideas as well as the 1994 Confidence Building Measures were all rejected by the Greek Cypriot leadership at their final stages. It is important to note, in this context, that all the foregoing UN proposals provided for the return of the fenced area of Maraş to the Greek Cypriot side. It is, therefore, nothing but hypocrisy on the part of the Greek Cypriot side that on the one hand it claims to seek the return of Maraş, but on the other rejects all UN proposals envisaging its return.

Paragraph 37 of the Report mentions the Greek Cypriots’ allegations on the freedom of religion and religious activities held in the TRNC, and specific reference is made to “restrictions on holding religious services in churches in Agia Triada [...] in June 2012”. In fact, this claim is entirely false, since services are permitted to be held by the local Greek Orthodox communities in Agia Triada without hindrance on any day of the week and without any prior notification. In this connection, it is crucial that the Report reflects the reality on the ground rather than unfounded claims made by the Greek Cypriot side.

While paragraph 37 makes repeated claims to the effect that the Greek Cypriot or Christian cultural heritage has been desecrated in the North, no reference is made to the destruction of a considerable number of 300 years old Ottoman cultural heritage and Muslim religious monuments in the South. An Information Note has been attached to this

document, listing the mosques that have been completely destroyed in the Greek Cypriot Administration.

Also in paragraph 37, it is claimed that Maronites living in North Cyprus are facing restrictions due to the “lack of regular access to some of their traditional churches and monasteries which are located in military compounds”. Contrary to such claims, in 2012, a total of 9 services were conducted in Northern Cyprus in three churches situated in military zones. On the other hand, it should be noted that the Turkish Cypriots, who were residing in the Üçşehitler (Gossi) and Ablanda villages in South Cyprus prior to 1974, are unable to access the mosques situated in their villages because they are situated in military zones. Our studies have also revealed that apart from these two villages, Turkish Cypriots from the village of Mansura in South Cyprus are also unable to visit their mosque.

Furthermore, it is necessary to reiterate that the Greek Cypriots and Maronites living in South Cyprus are able to conduct religious services in North Cyprus, either individually or collectively, in the 19 chapels, churches and monasteries that are allocated for religious worship in and around the villages where Maronites and Greek Cypriots are living as well as in other areas throughout North Cyprus. Greek Orthodox and Maronite Catholic priests freely carry out regular religious functions at churches in the North where Greek Cypriots and Maronites reside. Moreover, two priests appointed by the Greek Cypriot administration with the agreement of Turkish Cypriot authorities reside in the Karpas area to provide regular religious services to the Greek Cypriots living in North Cyprus. Similarly, Maronites also have priests residing in the TRNC. Furthermore, ever since the opening of the crossing points on 23 April 2003 by the Turkish Cypriot side as a gesture of good-will, millions of crossings have taken place including those for religious services held at important Churches and Monasteries without any restrictions.

Moreover, in paragraphs 37 and 38 of the Report, where the situation of religious monuments in both the North and South are mentioned, it is highly disappointing to see that the Report cites the Special Rapporteur on freedom of religion or belief, Heiner Bielefeldt’s personal observations as regards the concerns of the Greek Orthodox minority in the North as if they are fact, while the destruction or lack of care of Islamic religious monuments in the South are mentioned as allegations, implying that only the claims of the Greek Cypriot side are regarded as facts, but those of the Turkish Cypriot side as being questionable. Phrasing of this nature indicates a clear bias and, once again, jeopardizes the pledged impartiality of the Report.

It should further be underlined as regards paragraph 37 that the reference to geographical areas in the TRNC using Greek Cypriot names is unacceptable. Villages, towns and areas in the TRNC should be referred to using their proper Turkish names. Therefore, the villages of Trachoni, Angastina and Agia Triada should be referred to as Demirhan, Aslanköy and Sipahi, respectively.

With regards to the allegations in paragraph 41 regarding the freedom of expression and freedom of the press in our country, I deem it necessary to underline that these freedoms are safeguarded under Articles 24 and 26 of the Constitution. However, as is the case in any democratic country these freedoms can only be restricted by law, “... for such reasons as public interest, public order, public morals, social justice, national security, public health and for ensuring the security of life and property of persons” (Article 11 of the Constitution). Therefore, the freedom of the press and of receiving information may be restricted by law for the purpose of safeguarding public order or national security or public morals or for preventing attacks on the honour, dignity or rights of persons and for

preventing instigations to commit an offence or for the purpose of assuring the proper functioning of the judiciary in accordance with its aims.

We welcome the reference in paragraph 44 to the Resolution adopted by the Organisation of Islamic Cooperation during its thirty-ninth session on 15-17 November 2012 on the situation in Cyprus, which inter alia invites OIC member States “to encourage cooperation with the Turkish Cypriot universities, including the exchange of students and academicians”.

In the subsection of the Report regarding the “Right to education”, paragraph 47 makes references to a number of school teachers who were not permitted to teach in schools in North Cyprus. It needs to be stressed, in this context, that as in every developed country, teaching staff are also evaluated according to certain terms and procedures in the TRNC before they are appointed as teachers. It is only natural that Greek Cypriot teachers are also evaluated before they can start their duties at the Greek Cypriot schools situated in the Karpas area in TRNC. Accordingly, the applications of Greek Cypriot teachers for posts to teach in the North are evaluated by the Turkish Cypriot authorities and occasionally some extremists are denied. The whole appointment procedure is carried out through UNFICYP liaison and the striking reality to the effect that the teachers almost outnumber students at the Greek Cypriot schools in the North can easily be verified. Under these circumstances, the denial of certain applications can hardly be construed as restriction or discrimination.

Also in paragraph 47, it is stated that “seven textbooks were not allowed to enter the North in September 2012”. Regarding the use of Greek Cypriot textbooks in the TRNC, it should be noted that there is an established procedure for the transfer of Greek Cypriot textbooks to Greek Cypriot schools in the North. Accordingly, Greek Cypriot textbooks intended to be used in the Greek Cypriot schools in the North are first presented through UNFICYP to the relevant Turkish Cypriot authorities for review. The Turkish Cypriot authorities do not object to the use of Greek Cypriot textbooks unless they contain inflammatory, discriminative or offensive material.

As for the observation contained in the “Conclusions” section of the report that “it is hoped efforts to negotiate and achieve a comprehensive settlement of the Cyprus problem will ultimately open avenues to improve the human rights situation on the Island” (para. 56), I would like to reiterate once again that the Turkish Cypriot side has always done its utmost for the success of negotiations aimed at reaching a comprehensive settlement to the Cyprus problem. The sole reason for the current impasse in the negotiations is the Greek Cypriot policy of playing for time while paying only lip service to settlement negotiations. It has become abundantly clear that in order to play for time, the Greek Cypriot side rejects any sort of timetable for the involvement of the UN in the negotiations. As you are aware, due to the objections of the Greek Cypriots side, it was not possible to convene the high level meeting with the participation of the guarantor countries to complete the final phase of the negotiations. As expressed by President Dr. Derviş Eroğlu in the letter addressed to Your Excellency dated 1 March 2013, now, with the election of Mr. Anastasiades as the new leader in South Cyprus, we are expecting a meeting between the two sides at the earliest opportunity to explore the possibilities for starting the negotiation process anew on the basis of a mutually agreed road map, on which we can proceed towards a just and lasting settlement.

I would like to take this opportunity to emphasize that the Turkish Cypriot side reiterates its strong commitment to continue its efforts for promoting human rights in North Cyprus.

We hope and trust that in the interest of reflecting a more objective and balanced account of the situation vis-à-vis the issue of human rights in Cyprus, the views and observations of the Turkish Cypriot side will be duly taken into consideration and would be reflected accordingly in future Reports of the Human Rights Council.

Hüseyin Özgürün
Minister of Foreign Affairs

Appendix I

Information note

In the research that have carried out regarding the list of mosques in the areas under the control of the Greek Cypriot Administration, as the Turkish Cypriot side we have identified that when the Greek Cypriot attacks started in 1963 there were approximately 137 mosques in South Cyprus.

The studies carried out by the Turkish Cypriot experts through on-site inspections regarding the mosques located in the areas under the control of the Greek Cypriot Administration, it has been identified that 31 of these mosques have either been completely destroyed, are in such a bad state that it cannot even be restored. A list outlining the results of this study is attached.

Appendix II

Mosques that have been completely destroyed in the Greek Cypriot Administration

NICOSIA:

1. Aredyu Mosque
2. Lakadamyia Mosque
3. Ayios Sozomeno (Araphık) Mosque
4. Katalyonda Mosque
5. Linu Flasu Mosque
6. Dillirga Aytottoro Mosque
7. Kado Deftera Mosque
8. Piroyi Mosque
9. Amatyez Mosque
10. Alifodez Mosque
11. Kutrafa Mosque
12. Karako Mosque
13. Ayios Epifanios (Esendağ) Mosque

PAPHOS:

1. Aksilu Mosque
2. Eledyu Mosque
3. Falya Mosque
4. Mamundali Mosque
5. Paphos Yeni Mosque (Cedit Mosque)
6. Girit Tera Mosque
7. Lukruno Mosque
8. Magunda Mosque
9. Fashl Mosque

LIMASOL:

1. Aşağı Civiya Mosque
2. Yerovasa Mosque
3. Çerkez Mosque
4. Pissuri Mosque

LARNACA:

1. Goşşi (Üçşehitler) Mosque
 2. Ablanda Mosque
 3. Delicibo Mosque
 4. Softalar Mosque
 5. Anglisides Mosque
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