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Note verbale* datée du 23 décembre 2009, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de la République turque auprès de l'Office des Nations Unies à Genève

La Mission permanente de la République turque auprès de l'Office des Nations Unies à Genève et des autres organisations internationales en Suisse présente ses compliments au Haut-Commissariat des Nations Unies aux droits de l'homme et a l'honneur de lui faire tenir ci-joint les observations des autorités chypriotes turques concernant le document A/HRC/WG.6/6/CYP/1 qui a été soumis au Groupe de travail sur l'Examen périodique universel à sa sixième session, le 30 novembre 2009.

La Mission permanente de la République turque saurait gré au Haut-Commissariat de bien vouloir faire distribuer le texte de la présente note verbale et de son annexe en tant que document de la treizième session du Conseil des droits de l'homme au titre du point 6 de l'ordre du jour.

* La note verbale est reproduite en annexe telle qu'elle a été reçue, dans la langue originale seulement.

Annexe

Views and comments of the Turkish Cypriot authorities regarding the report submitted on Cyprus in accordance with the annex to Human Rights Council Resolution 5/1

Views and comments on “The National Report submitted in accordance with paragraph 15 (A) of the Annex to Human Rights Council Resolution 5/1 by the so-called Republic of Cyprus”

- It is unfortunate that the Greek Cypriot administration of Southern Cyprus has, once again, put forward a report fraught with lies and slander about the Turkish Cypriot side and Turkey.
- It is claimed in the report (para. 160) that “*the government has subjected itself to honest and genuine critical self-assessment in evaluating achievements and challenges*”. However, the said report has nothing to do with “self-assessment” and it seems that this valuable “periodic review mechanism” has been abused by the Greek Cypriot administration to play a “blame-game” against the TRNC and Turkey.
- The report (paras. 8-9) absurdly alleges that “*the Turkish Cypriots were forced by their leadership to leave their domicile and concentrate into certain areas (enclaves). Eventually, Turkish Cypriots withdrew from all state institutions and government agencies, including from their positions in the House of Representatives and the Council of Ministers and, thus the Turkish Cypriot Community ceased to participate in the functioning of the government as prescribed by the Constitution.*”
- Contrary to the foregoing allegations, the 1960 partnership Republic of Cyprus was destroyed by the Greek Cypriot partner’s onslaught on the Turkish Cypriot partner in December 1963, when Turkish Cypriot members in all the State organs were forcibly ejected from their positions and the unalterable basic articles of the Constitution were unilaterally and illegally changed by the Greek Cypriot side. Efforts of the Turkish Cypriot members of the House of Representatives to return to the House and take up their seats, and the refusal of the Greek Cypriot side to comply, are fully recorded in the report of the then Secretary-General of the United Nations as follows:

“The Turkish members requested UNFICYP to extend its good offices to enable them to receive information about the time of the meetings of the House, and to make arrangements for the Turkish Cypriot members to attend such meetings in safety. They specified that, if officially invited and notified about matters to be considered, as required by the Constitution, they would be prepared to attend the Parliament on all questions, not only on the two bills now pending. ... Mr. Clerides stated that unless the Turkish Cypriot members accepted the conditions [stripping them of their constitutional rights as copartners] laid down by him, he found it pointless to supply them the copies of the pending bills. ... He made it plain that, unless agreement was reached on these matters, he would not permit the Turkish Cypriot members to attend the House. ... He subsequently stated that in his opinion the Turkish Cypriot members had no legal standing any more in the House...” (UN Secretary-General’s report S/6569 dated 29 July 1965).

- In consequence, 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 illegitimately that it is the “Government of Cyprus”. Hence, the 46 year old occupation of the seat of the partnership Government of Cyprus by the Greek Cypriot administration.
- The years from 1963 to 1974, were a period in which the Greek Cypriots, aided and abetted by Greece, practiced ethnic cleansing, terrorism and tyranny against the Turkish Cypriots, all in the name of Enosis (annexation of the island to Greece). The basic human rights of the Turkish Cypriot people, including their right to life, were almost non-existent during these fateful years.
- The atrocities committed by the Greek Cypriots during that period drew comments from the international news media, such as *The Washington Post*, which reported in its issue of 17 February 1964 that “Greek Cypriot fanatics appear bent on a policy of genocide”. The prominent statesmen, George Ball, the United States Under-Secretary of State at the time, wrote in his memoirs entitled *The Past Has Another Pattern*, that “Makarios’s central interest was to block off Turkish intervention so that he and his Greek Cypriots could go on happily massacring Turkish Cypriots”. The then United Nations Secretary-General himself stated in his report to the Security Council of 10 September 1964 that the Turkish Cypriots were living under such conditions that could only be described as a “veritable siege” (S/5950).
- The allegation in the report (para. 11) that “*Turkey invaded Cyprus in violation of the Charter of the UN, the Treaties of Guarantee, Establishment and Alliance and principles and norms of international law*” has no legal or factual basis. There exists no UN or other international decision describing the Turkish intervention as an “invasion”. On the contrary, the Turkish intervention was carried out in accordance with Turkey’s rights and obligations under the 1960 Treaty of Guarantee, and was the direct result of the *coup d’état*, carried out by the joint Greek-Greek Cypriot front on 15 July 1974. The coup was aimed at materializing Enosis (union with Greece) through an armed takeover of the island and Turkey’s lawful intervention prevented not only the island’s annexation to Greece but the final extermination of Turkish Cypriots. The legality of the Turkish intervention on Cyprus has also been underlined by the Parliamentary Assembly of the Council of Europe in its Resolution 573 (1974), adopted on 29 July 1974 and by the Athens Court of Appeals in its decision of March 21, 1979.
- The report (para. 158) alleges that “*the way forward, as envisioned, entails the reunification of the country which is divided by foreign military occupation for over 35 years ... [and] the withdrawal of foreign occupation forces from its territory ...*”. It is ironic that it is the author of the report, namely the authorities of the Greek Cypriot administration, which campaigned and achieved the rejection of the Annan Plan- a Plan envisaging the reduction of the number of troops (Turkish and Greek) on the island to a symbolic figure.
- The Turkish Army is in Cyprus under legal obligations to keep peace pending a solution and its presence is regarded as a vital security requirement by the Turkish Cypriot people, particularly in the absence of a political settlement. Moreover, the Turkish troops are present in North Cyprus with the full consent and cooperation of the Turkish Republic of Northern Cyprus authorities which have full control and jurisdiction over their territory.
- When asserting in the report (para. 11) that “*the Greek Cypriot population was forcibly expelled from their homes*”, the author of the report acts oblivious of the

“Voluntary Exchange of Populations Agreement of 1975” agreed between the former Turkish Cypriot President, Mr. Rauf R. Denktaş and the former leader of the Greek Cypriot administration, Mr. Glafcos Clerides, and implemented by UNFICYP. According to this agreement, the Turkish Cypriot population living in the South moved to the North and the Greek Cypriot population living in the North moved to the South. People from either population opting to stay input did so. Moreover, all Turkish Cypriots and Greek Cypriots applying for permanent transfer to the North and South respectively were interviewed in private by UNFICYP in order to verify that the transfers were voluntary.

- The report (para. 11) deliberately misrepresents the humanitarian issue of “missing persons” as if it is a consequence of the 1974 Turkish intervention and as only affecting the Greek Cypriot people. This is totally misleading since the tragic saga of Turkish Cypriot missing persons begun in 1963 and only ended with the Turkish intervention. During the 11-year period, around 502 innocent Turkish Cypriot civilians went missing after being abducted from their homes, work places, hospitals or roads by the armed elements of the Greek Cypriot administration. Apart from the Turkish Cypriot missing whose fate are yet to be determined, there are hundreds of Turkish Cypriot civilians, killed in massacres by the Greek Cypriot armed forces, the remains of which were later discovered in mass graves.
- Many testimonies, including those by numerous Greek Cypriots, reveal the massacres carried against the Turkish Cypriot civilians and atrocities against Turkish prisoners of war. To name a few:
 - A freelance Greek Cypriot photojournalist Tony Angastiniotis has made a documentary, called the “Voice of Blood”, about the massacres carried out by the Greek Cypriot army in the Turkish Cypriot villages of Muratağa, Sandallar, and Atlılar in August 1974. The mass graves in the said villages were later discovered and opened in presence of UN and Red Cross officials.
 - Greek Cypriot history Professor Ronaldos Kacaunis admitted during an interview with the Greek Cypriot daily *Haravgi*, dated 26 January 2009, that “32 Turkish Cypriot personnel and patients who were taken as prisoners from the Nicosia General Hospital by the Greek Cypriot police in 1963 were killed and then buried in mass graves”.
 - Most recently, a Greek Cypriot writer, Panikos Neokleus, in a book published in May 2009, wrote the memoirs of a Greek Cypriot soldier named Lukas Christodoulou, who admitted to killing six Turkish soldiers whom they have taken as “prisoners of war”.
- It should also be stated that no human tragedy has been the subject of such blatant political exploitation as the case of the missing persons in Cyprus. For more than thirty years, successive Greek Cypriot governments deceived their people into thinking that their loved ones might still be alive and utilized their agony vis-à-vis the international community for political gain:
 - The Greek Cypriot daily Cyprus Mail reported, on 3 March 1996, that “(Greek) Cypriot governments have found it convenient to conceal the scale of atrocities during the 15 July coup in an attempt to downplay its contribution to the tragedy of the summer of 1974 and instead blame the Turkish invasion for all casualties... The shocking admission by the Clerides government that there are people buried in Nicosia cemetery who are still included in the list of the “missing” is the last episode of a human drama which has been turned into a propaganda tool.”

- The late Ambassador Nelson Ledsky, who was US Special Coordinator for Cyprus. Ambassador Ledsky testified, on 17 April 1991, before the US Senate Foreign Relations Committee that “most of the ‘missing persons’ disappeared in the first days of July 1974, before the Turkish intervention on the 20th. Many killed on the Greek side were killed by Greek Cypriots in fighting between supporters of Makarios and Sampson.”
- Furthermore, a Greek newspaper TA NEA reported on 6 November 1974 that the dates from the graves of Greek Cypriots killed during the coup of 15 July were being erased in order to blame their deaths on the subsequent Turkish military action.
- The manipulation of this humanitarian issue show that the Greek Cypriot leadership is not really interested in settling this issue. It is for this reason that whilst the work is carried out by the tripartite UN Committee of Missing Persons to settle the issue of missing persons, the Greek Cypriot side takes recourse to various EU institutions or even uses platforms like the “universal periodic review mechanism” to make false propaganda.
- The report (paras. 87-89) falsely alleges that the property issue began in 1974 as a result of the Turkish intervention when in fact the property issue first came about in 1958’s when many Turkish Cypriots had no alternative but to flee their villages attacked by EOKA terrorists and then became a widespread problem in 1963 as an outcome of the armed onslaught of the Greek Cypriot side which forced almost half of the Turkish Cypriot population to abandon their properties. It is, of course, convenient for the Greek Cypriot administration to overlook these realities and conceal the fact that it did not only violate but simply refused to acknowledge the property rights of thousands of Turkish Cypriots whose homes and workplaces were destroyed by Greek Cypriot armed elements long before 1974.
- It should also be stressed that Turkish Cypriots left considerable amount of property in South Cyprus at the time of voluntary exchange of populations, most of which were usurped and expropriated by the Greek Cypriot administration, leaving no possibility for restitution, exchange and/or compensation for the Turkish Cypriots for the use and enjoyment of their properties. Knowing too well that Turkish Cypriots do not feel secure to live in South Cyprus, the Greek Cypriot administration made it a precondition for them to reside in South Cyprus in order to enjoy their property rights. In accordance with the relevant legislation still in force in South Cyprus, Turkish Cypriots cannot even resort to domestic legal remedy regarding their property rights unless they permanently reside in South Cyprus.
- In spite of the fact that the property issue is under discussion at the ongoing negotiations between the leaders of the two sides and that there is a mechanism (Immovable Property Commission, IPC), established according to ECHR guidelines, to deal with the property matters in Northern Cyprus, the Greek Cypriot administration continues to bring the matter before the European Court of Human Rights (ECHR). This is indicative of the Greek Cypriot effort to shift the UN established parameters in their favour and, thereby, prejudge the outcome of negotiations on the matter.
- In the report (para. 62), the Greek Cypriot administration attempts to present itself as the champion of the conservation of religious monuments whilst in reality it shows utter contempt for the Turkish-Muslim heritage in Southern Cyprus, where Ottoman Turkish cultural and religious monuments including mosques, baths, fountains and cemeteries are under threat of destruction. A study carried out in 2006 by the Political and Research Office of the Presidency of the Turkish Republic of Northern

Cyprus, revealed that 16 of the mosques out of 106 located on the Greek Cypriot side of the island have been totally ruined, while 61 mosques remain in a state of neglect. While claiming to care very much for the religious heritage of the island, the Greek Cypriot administration, at the same time, blocks the passage of aid to the Turkish Cypriot authorities, although many of the religious and cultural monuments lie in North Cyprus. So far, international bodies, including UNESCO, have failed to provide direct assistance of any kind to relevant Turkish Cypriot authorities as a result of the Greek Cypriot political pressures exerted with a view to preventing the North from obtaining the means to provide sufficient care for the common historical heritage of the island.

- The report refers to the “rights of child” (para. 67) and “right of education” (95-96), however, fails to mention that despite the written agreement of the Greek Cypriot administration in 1996 to establish a Turkish medium school in Limassol as recommended by UNFICYP, the Turkish Cypriot children living in South Cyprus are still deprived of a Turkish medium school. Over a decade constitute sufficient if not excess time to establish a Turkish medium primary school staffed by Turkish Cypriot teachers if the Greek Cypriot administration had any real intention to respect the right of the Turkish Cypriot children to education in their mother tongue.
- In comparison, it is important to refer to the situation of Greek Cypriot students in North Cyprus. The Turkish Cypriot side has been doing its utmost to ensure the inherent right to education and the right to education in one’s mother tongue by providing free elementary and secondary education to all its citizens without discrimination, including the Greek Cypriot children residing in the Karpaz region, in North Cyprus. The Greek Cypriot children residing in North Cyprus have their own primary and secondary schools and are educated by Greek Cypriot teachers applying the same curriculum in South Cyprus. In fact, said Greek Cypriot teachers are appointed by the Greek Cypriot Ministry of Education with the permission of the relevant Turkish Cypriot authorities.
- The report also fails to state that the Greek Cypriot administration blocks Turkish Cypriot students’ access to the European Union exchange and educational programs. This, no doubt, constitutes a violation by the Greek Cypriot administration of the fundamental right to education of the Turkish Cypriot students whose plight continues despite efforts to rectify the situation. Of particular concern, in this context, is the need to find the modalities to allow the participation of the Turkish Cypriot higher education institutions in the Bologna process. However, the Greek Cypriot side is sparing no effort to curtail all initiatives that would allow the integration of the Turkish Cypriot Universities into the European process.
- Unfortunately, violation of rights of the Turkish Cypriot people does not end here. The four decade old inhuman policy of isolation being employed by the Greek Cypriot administration against the Turkish Cypriot people continue in all fields ranging from denying the Turkish Cypriot people the right to representation in international fora; to preventing or restricting their travel abroad and their communication with the outside world; to curtailing trade and tourism between the TRNC and the outside world, and to hampering all academic, cultural and sporting relations of the Turkish Cypriot people with other countries, even with Turkey.
- Despite the overwhelming Turkish Cypriot “yes” vote for the UN comprehensive plan at the referendum in 2004, the Turkish Cypriot people are held hostage to lack of settlement. The efforts to rectify this situation by many parties including the UN, EU and OIC are still impeded by the very Greek Cypriot administration which campaigned for the refusal of the said plan. The future of the EU Direct Trade

Regulation, for instance, remains uncertain and will do so as long as the international community fails to point a finger at the Greek Cypriot administration.

- The report also blissfully turns a blind eye to the the repeated and intensified cases of maltreatment of the Turkish Cypriot people in South Cyprus. The most appalling fact regarding the matter is that the Greek Cypriot authorities, by failing to take action against the perpetrators, condone these incidents.
 - A glaring case has been the racist attacks perpetrated by the ultra- nationalist group called “Hrisi Avgi” (Golden Dawn) in November 2006 at the English School in South Nicosia targeting Turkish Cypriot students. The said group appears to persist in reviving anti-Turkish sentiment. The incident of November 2006 was followed by another incident at the School on 25 February 2008 involving the writing of graffiti entailing fascist slogans and insults against the Turkish Cypriots.
 - On 19 January 2009, thousands of APOEL Football Club supporters attacked Turkish Cypriots who were passing by the Club in their cars. Many cars were damaged; their windscreens smashed and, in fact, a child was badly injured, showing the seriousness of the said incident. When some Turkish Cypriots complained to the Greek Cypriot police in the area, they were told that the area which the incident took place was not within their scope of responsibility. Far worst is the fact that the Greek Cypriot authorities, namely the Greek Cypriot leadership, the judiciary and the police, did not take any action against the perpetrators.
- Last but not the least, as also referred to some in the compilation prepared by the Office of the High Commissioner for Human Rights, there is racial/gender discrimination against Turkish Cypriots, and discriminatory treatment against Turkish Cypriot prisoners. Furthermore, the Greek Cypriot school books contain language fuelling hatred against Turkish Cypriots; classifieds given by the Turkish Cypriots are not printed in Greek Cypriot newspapers; crossings of TRNC journalists to South Cyprus as well as the union rights of Turkish Cypriots working in South Cyprus are curtailed; Turkish Cypriots face difficulties due to deliberate bureaucratic red-tape as well as lack of usage of Turkish language, despite the fact that it is listed as one of the official languages of the 1960 Republic of Cyprus, which the Greek Cypriot administration is purporting to represent.

November 2009.
