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Point 3 de l'ordre du jour

**Promotion et protection de tous les droits de l'homme,
civils, politiques, économiques, sociaux et culturels,
y compris le droit au développement**

Note verbale datée du 15 mars 2013, adressée au Haut-Commissariat des Nations Unies aux droits de l'homme par la Mission permanente de Turquie 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 le texte de la lettre du Ministre des affaires étrangères de la République turque de Chypre-Nord, Hüseyin Özgürgün, qui contient les vues des Chypriotes-Turcs au sujet du rapport établi par le Rapporteur spécial sur la liberté de religion ou de conviction, Heiner Bielefeldt, à l'issue de sa mission à Chypre (A/HRC/22/51/Add.1), distribué au titre du point 3 de l'ordre du jour de la vingt-deuxième session du Conseil des droits de l'homme.

La Mission permanente de la République turque vous serait obligée de bien vouloir faire distribuer le texte de la présente note et de son annexe* comme document de la vingt-deuxième session du Conseil des droits de l'homme.

* Le texte est reproduit en annexe telle qu'il a été reçu, dans la langue originale seulement.

Annexe

[Anglais seulement]

I would like to refer to the Report of the Special Rapporteur on freedom of religion or belief, Mr. Heiner Bielefeldt, titled “Mission to Cyprus” and dated 24 December 2012 (A/HRC/22/51/Add.1), and to bring to Your kind attention the following facts and considerations.

At the outset, I wish to underline that the references in the Report to the so-called “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 Cypriot people 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 on 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”.

The references in the Report to the Turkish Cypriot authorities as “the de facto authorities in the northern part of the Island” is most disappointing and unacceptable as it contradicts not only the realities of the Island, but established UN terminology as well. It is clearly recorded in relevant UN documents, including the reports and press statements of the UN Secretary-General, that there are two sides 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.

It is also important to recall within the context of the present Report that in accordance with the 1959-1960 International Agreements on Cyprus as well as the Constitution of the now defunct Republic of Cyprus, both Turkish Cypriots and Greek Cypriots were empowered with autonomy in communal affairs, whereby their separate Communal Chambers exercised full authority in all religious, educational and cultural matters, as well as questions of personal status.

In view of the foregoing facts, referring to the Turkish Cypriot authorities and institutions in quotation marks in the present Report has no basis other than prejudice arising from unfounded Greek Cypriot allegations. In this respect, it is pertinent to draw your attention to the status of a number of the said institutions. The Immovable Property Commission (IPC) was established on 22 March 2006 with a view to providing an effective domestic remedy, namely restitution, compensation and exchange for claims related to Greek Cypriot properties in Northern Cyprus, in accordance with the “Law for the

Compensation, Exchange and Restitution of Immovable Properties” enacted by the TRNC Assembly on the basis of the guidelines suggested by the European Court of Human Rights. In this context, it is important to record that, 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 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 at the international level that the IPC provides an effective domestic remedy for the Greek Cypriot claims related to properties in North Cyprus. Thus referring to the Committee in quotation marks contradicts the legitimacy accorded to it by the European Court of Human Rights.

It is also worth noting that the Evkaf Administration was established in 1571 at the onset of Ottoman rule in the Island. The English translation of the Foundation Law of the Evkaf Administration, which is known as *Ahkâm-ül Evkaf*, was put into force by the British Colonial Administration after the Island was leased to the British Empire in 1878. Furthermore, the Constitution of the now defunct 1960 Republic of Cyprus also recognized and re-confirmed the foregoing legal foundation (*Ahkâm-ül Evkaf*) of the Evkaf Administration which regulates the legal basis for its administration and was given to the authority of the Turkish Cypriot Communal Chamber. It is also important, in this context, that the *Ahkâm-ül Evkaf* is currently recognized by the Courts of both North and South Cyprus. Hence, the Administration has been an internationally recognized entity ever since its formation and is a member of the European Foundation Center. The Evkaf Administration has the primary role of protecting the cultural heritage on the Island, and makes significant contributions to the country’s economy by engaging in economical, social and cultural projects. All of the religious monuments in the North are under the protection of the Evkaf Administration, which is pioneering renovations of the unique religious sites in North Cyprus in close collaboration with international organizations.

Similarly, the Nicosia Turkish Municipality was established as a separate Turkish Cypriot institution in 1958 and was recognized as such in accordance with the Constitution of the 1960 Republic of Cyprus. It is a well known fact that currently, the Turkish Cypriot and Greek Cypriot municipalities in Nicosia/Lefkoşa recognize one another as separate local governing bodies. In fact, the existence of a legitimate and fully-functional Turkish Cypriot Municipality in Lefkoşa has never been an issue of dispute.

Concerning the references to geographical places, such as Kormakiti and Rizokarpaso in Northern Cyprus in Paragraphs 2 and 23 of the Report, I would like to stress that Cyprus is the common home of both the Turkish Cypriot people and the Greek Cypriot people where a great number of villages enjoy both Turkish and Greek names. Therefore, references in the Report to such places without indication of their Turkish names are unacceptable. In this case, the Turkish names of these villages, namely Koruçam and Dipkarpaz respectively, should have been indicated.

It is also disappointing to see, in Paragraphs 31 and 32, the oft-repeated Greek Cypriot claims regarding a so called “demographic change” in the Turkish Cypriot side, resulting allegedly from “mostly migrant workers from Turkey [...] due to the settlement of people from Turkey after 1974”. These allegations are a direct ramification of the Greek Cypriot side’s ongoing campaign of misinformation and propaganda aimed at distorting the facts and realities in Cyprus. To clarify this matter, it should be noted that a limited number of immigrant workers did come from Turkey within the framework of a labour exchange agreement between the Government of the Republic of Turkey and the Turkish Cypriot Government after security was reinstated in 1974. At the time, there were efforts aimed at reforming the economic infrastructure in Northern Cyprus which created new opportunities

and increased the demand for a greater workforce. Workers from Turkey and other countries come mainly to work in the agricultural, tourism, construction and industrial sectors. Given the geographical proximity and for reasons of history, language and culture, it is only natural that such labour partly came from Turkey in addition to other countries. Over time, some of these individuals fulfilled the requirements of citizenship either by marriage, duration of residence, or by virtue of having been born on the Island. The procedure through which citizenship is acquired in Northern Cyprus is similar to those widely applied throughout the world and does not, therefore, constitute any legal or humanitarian infringements. In fact, the relevant legislation regarding the requirement of citizenship is identical in North and South Cyprus.

Moreover, it is important to note that the number of people who have settled in the North since 1974 is nowhere near the thousands of Greek mainlanders who have been settled in Cyprus over the years, as well as the thousands of immigrants mainly from Lebanon, the Russian Federation, Serbia and other countries who have come to Southern Cyprus since 1974. It is estimated that the number of persons of Greek origin alone who have been given Greek Cypriot citizenship is around 120,000. Indeed, according to the statistics released by the relevant Greek Cypriot authority in 2009, almost one-third of the Greek Cypriot population living in Southern Cyprus is not of Greek Cypriot origin.

In fact, the Greek Cypriot side, in collaboration with Greece, has long been trying to alter the demographic structure of the Island in favour of the Greek Cypriot side. As part of this campaign, which stretches prior to 1974, a total of 10,350 mainland Greeks had been settled on the Island as early as the Second World War, as documented by the records of the then British Colonial Office (Document No. C.O.67.328). Following the Greek Cypriot onslaught on the Turkish Cypriot community in 1963, as many as 20,000 mainland Greek troops were brought to the Island clandestinely in order to help bring about the annexation of the Island to Greece. Ample evidence exist in the reports of the then United Nations Secretaries-General to the Security Council (for example, reports S/5950 of 10 September 1964 and S/8286 of 8 December 1967) pertaining to the illegal importation of Greek mainland troops and their being given “legal status” in order to station them on the Island on a permanent basis. While this was being done, a parallel process of evicting the Turkish Cypriots from their ancestral homes was put into effect, resulting in the forced emigration of thousands of Turkish Cypriots to other countries. Furthermore, Turkish Cypriots born after 1960 were not being registered in order to make the growth rate of the Turkish Cypriot population appear lower.

As regards the comments indicated in Paragraphs 33 and 34 of the Report, it should be underlined that the Greek Orthodox Church of Cyprus and the Greek Cypriot political leadership have always attached religious connotations to the Cyprus problem due to the dominant role of the Orthodox Church in all spheres of Greek Cypriot life, including politics, economy, education, and the cultural arenas. In this context, I would like to refer to the 2006 International Religious Freedom Report of the US Department of State, which states that “Religion is a prominent component of Greek Cypriot society, with considerable long-standing cultural and political influence. During the 1950s, the head of the Greek Orthodox Church of Cyprus, Archbishop Makarios III, led the Greek Cypriot campaign for independence and served as president from independence in 1960 until his death in 1977. [...]Present-day influence of the Church can be seen in the political messages bishops and priests regularly include in their Sunday sermons.”

As known, the TRNC is a secular State and, throughout the history of Cyprus, no Islamic religious leader has exerted political authority over politics, education and the culture of the Turkish Cypriot people. On the other hand, the leader of the Greek Cypriot

community since the beginning of the Cyprus dispute has been Archbishop Makarios III of the Greek Orthodox Church until his death. Currently, according to the rules of protocol of the Greek Cypriot administration, the Archbishop remains the second most important dignitary after the Greek Cypriot leader.

In Paragraph 35, the Report refers to the condition of religious monuments in both North and South Cyprus. However, while the condition of the Christian monuments situated in the North is given as a matter of fact, the condition of Islamic religious monuments in the South is presented as a claim of the Turkish Cypriot side. This approach means that either the Rapporteur didn't spare the time to personally visit Islamic monuments, or that the claims of the Greek Cypriots are taken at face value whereas the Turkish Cypriot findings are questioned. This indicates a clear bias and jeopardizes the pledged objectivity and impartiality of the Report.

As regards the preservation of cultural heritage, the Turkish Cypriot side has been doing its best to preserve all cultural monuments in the North, whether of Greek-Orthodox or Turkish-Muslim origin, despite the ongoing obstructionist policies of the Greek Cypriot side which prevent the international community from providing any direct assistance, financial or otherwise, to this end. Since 2006, fifteen Greek-Orthodox churches have been restored by the Turkish Cypriot authorities and other restoration projects of churches, mosques, monasteries and other monuments have been undertaken with the collaboration of the UN Development Programme's Partnership for the Future (UNDP-PFF) and UN Development Programme's Action for Cooperation and Trust (UNDP-ACT). Restoration work on various other churches and monasteries are currently underway with the support of the UNDP-ACT and the U.S. Government. In the last three years alone, almost 400,000 US Dollars have been spent by the TRNC authorities on cultural heritage restoration projects despite our limited resources; a fact which is also mentioned in the Report.

The reasons behind the condition of Apostolos Andreas Monastery need to be clarified, as it is not objectively reflected in the relevant paragraphs of the Report. The restoration of the Apostolos Andreas Monastery in Karpaz is the most recent preservation project of the Turkish Cypriot side and the monument is seen as belonging to the common cultural heritage of the Island as well as humanity at large. Despite the impediments put forth by the Greek Cypriot side which prevent the international community from providing the Turkish Cypriot side direct assistance for the protection of the cultural heritage monuments in the TRNC, the Turkish Cypriot side has always taken the necessary measures to protect this important monument. Such protective measures were taken initially by the Directorate of Ancient Monuments and Museums in 1996 and a curtain wall was built on the seaside to prevent the monastery from sliding. Later in 2002, the TRNC government, with financing from USAID and under the supervision of UNDP – UNOPS, cooperated with USAID to prepare a project for the restoration of the monastery. The renowned Italian architect Mr. Giorgio Croci, who also restored the Leaning Tower of Pisa, was invited to the Island within the framework of this project. However it was not possible to go ahead with Mr. Croci's restoration project since the Greek Cypriot administration and the Greek Cypriot Orthodox Church rejected it.

Our efforts towards the restoration of the Monastery continued and the UNDP allocated six million Dollars for the restoration of the Hala Sultan Tekke in South Cyprus and the Apostolos Andreas Monastery in North Cyprus. One million dollars was utilized for the restoration of the Hala Sultan Tekke, but the remaining five million dollars that was allocated for the restoration of the Monastery could not be used due to the objections of the Greek Cypriot Orthodox Church. In 2007, with yet another initiative of the Turkish Cypriot side, the Patras University in Greece prepared a restoration project. However, the then

Greek Cypriot Leader, Tassos Papadopoulos, again hindered the restoration efforts on purely political grounds. Despite all the said negative approaches and efforts to politicize the issue of restoration, the Turkish Cypriot side continued its constructive approach and the TRNC Supreme Council of Ancient Monuments and Immovable Antiquities approved the restoration project of the University of Patras on 13 July 2010. This decision was also published in the issue of the Official Gazette of the TRNC dated 27 July 2010 (No.353). Even after these developments, it should be reminded that Archbishop Chrysostomos II is on record stating that he would rather see Apostolos Andreas collapse than let the restoration of the monastery be in the hands of the Muslim religious endowment Evkaf (Cyprus Mail, 2 November 2010). It needs to be stressed that during the aforementioned developments, the main impediment in the way of the restoration of the Monastery has been the misguided approach which made international financial support conditional on Greek Cypriot approval.

Nevertheless, the urgency of the restoration of the Monastery could no longer be delayed by the politicization of the Greek Cypriot side, and on 8 January 2013, the TRNC Office of the President announced that the Turkish Cypriot side would finance the restoration of the main church building and the other adjacent buildings within the framework of the rules set out by the Technical Committee on Cultural Heritage. As a result of this constructive initiative, the Greek Cypriot side could no longer continue with its preventive policies and on 31 January 2013, both sides declared their will to contribute to the restoration of the Monastery and two protocols were signed between UNDP-PFF and the Evkaf Administration and the Church of Cyprus, respectively.

It is disappointing to see that in Paragraphs 53-58 of the Report titled “Muslim minorities in the southern part”, there is no mention of the numerous Islamic monuments which have been completely destroyed in the South. A list of the monuments which have been destroyed can be seen in Annex 1. In this connection, it needs to be noted that during the nearly 300 years of Ottoman rule of the Island, many Islamic religious monuments were constructed in both the North and South of the Island. Research has shown that when the Greek Cypriot attacks against the Turkish Cypriots started in 1963 there were over 140 mosques in South Cyprus. Today, it has been identified through on-site investigations that 31 of these mosques have been completely destroyed. The Report also fails to mention acts of aggression committed against Islamic monuments in the South. In April 2012, Köprülü Hacı İbrahim Ağa Mosque in Limassol was subjected to an arson attack whereby the gate of the mosque was seriously damaged. Most recently, the mosque in the village of Denya (Dhenia) in South Cyprus, which is currently being renovated by UNDP, was attacked in January 2013. These examples, among many others, are testimony not only to the extent the Greek Cypriot racist mentality and fanaticism reached, but the undeniable fact that the Greek Cypriot authorities do not take effective measures including prosecuting the attackers to dissuade such acts of hatred.

In Paragraphs 38 and 71, it is stated that “people can more or less freely move – albeit not all of them” since after the opening of crossing points in 2003. Clarification regarding who is denied access to South Cyprus is then provided in Paragraph 55, where it is stated that “settlers from mainland Turkey and their descendants” cannot cross the checkpoints. While we appreciate the attempt to clarify the situation, we 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. That being said, we highly appreciate the statement directed to the Greek Cypriot side that “with regard to

the question of travel restrictions which prevent some people from going on pilgrimages to Muslim places of worship in the southern part, [...] freedom of religion or belief has the status of a universal right whose enjoyment does not depend on any specific citizenship status”, and the clear recommendation that “the Government should respect pilgrimages, including visits to the Hala Sultan Tekke, as an inextricable part of freedom of religion or belief, whose rank as a universal human right should not be supplanted by citizenship issues.” In this connection, it need 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.

Paragraph 37 refers to “Christian communities living in the northern part” and “Muslims minorities residing in the southern part”. Classifying Christians as a “community” but Muslims as a “minority” culminates in nothing but aligning with Greek Cypriot unwarranted efforts aimed at portraying their Turkish Cypriot partner as merely an ethnic and religious minority on the Island. This is in complete contrast to not only the historical and political realities of the Island, but international agreements governing Cyprus which are fully recognized by the international community, including the UN and the EU. The fact is that throughout the history of Cyprus, there has never been a Muslim minority on the Island. As previously stated, the 1960 Republic of Cyprus was itself based on the existence and partnership of two equal communities on the Island, namely the Muslim Turkish Cypriot community and the Orthodox Greek Cypriot community. Accordingly, Article 2 of the Constitution of the now defunct Republic 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 the 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”. If the Report meant to refer to minority in the numerical sense, then the Greek Orthodox residents in the North should have also been referred to as minority. Otherwise, both groups should have been referred to as “community”. Unfortunately, the present terminology in this regard casts a serious shadow to the credibility and the impartiality of the Report.

A reference is made to the issue of property in Paragraph 44 where it is claimed that the Greek Cypriots are subjected to “restrictive and unfair handling of inheritance claims by the ‘administration’ in the northern part”. It needs to be put on record, in this respect, that the Greek Cypriots and Maronites who chose to stay in North Cyprus after the 1975 Agreement enjoy all the rights and freedoms that are enjoyed by all TRNC citizens. Their living conditions are on par with the Turkish Cypriots living in the same areas. In spite of these recorded realities, the Greek Cypriot administration chooses to exploit the Greek Cypriot residents in the TRNC as a propaganda tool for slandering Turkish Cypriot authorities and Turkey. Unfortunately, the Report is far from reflecting the realities regarding the inheritance rights of the Greek Cypriot people living in the North. It should be emphasized that according to the TRNC Council of Ministers Decision taken on 27 February 2008 (518-2008), properties of Greek Cypriots who had been permanently residing in the Karpaz region and passed away are subject to the same inheritance legislation that apply to all citizens of the TRNC.

In Paragraph 49, it is stated that Maronites living in the North complain that they do not have regular access to some of their traditional churches because they are situated in military compounds. While it is understandable that the Rapporteur deems it fit to reflect complaints communicated to him, one would expect that the related facts would also be

noted in the name of objectivity. The documented fact is that in 2011 alone, a total of 14 services were conducted in Northern Cyprus in the three churches situated in military zones. All of the said services are well known and recorded by UNFICYP. On the other hand, Turkish Cypriots who were residing in the Üçşehitler (Gossi) and Ablanda villages in South Cyprus prior to 1974, have never been able to access the mosques situated in their villages because they are in military zones.

In this connection, it should also be noted that Greek Cypriots and Maronites living in South Cyprus are able to conduct religious services, 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, the TRNC has allowed for two priests from the Greek Cypriot administration to provide regular religious services to the Greek Cypriots living in North Cyprus. Additionally, upon request, the conduct of religious services by priests and other religious figures from South Cyprus or elsewhere are smoothly facilitated by the TRNC authorities. For example, the Lebanese Maronite Patriarch visited the TRNC on 11 February 2012 and conducted a religious service without any hindrance. It should also be noted that Maronites also have priests who reside in the TRNC.

As regards the reference in the Report to complaints raised by the Greek Cypriot side in relation to the Greek Orthodox bishop, Christoforos Tsiakkas, it should be noted that the information provided is totally misleading and does not reflect the reality of the situation to any extent. While the Report states that Turkish Cypriot authorities have “put his name on a ‘stop-list’ since January 2012”, it fails to provide the background information on this rightful decision. First of all, it is pertinent to clarify that the title of “Bishop of Karpasia” is not recognized by the Turkish Cypriot authorities, a fact which is well known by UNFICYP and Mr. Tsiakkas himself. The Greek Cypriot side unilaterally appointed Mr. Tsiakkas for political purposes as the so-called “Bishop of Karpasia” in 2007, without the approval or knowledge of the Turkish Cypriot authorities. Despite the fact that the relevant Turkish Cypriot authorities informed UNFICYP and Mr. Tsiakkas that he could not lead religious services in the North under his so-called title, the bishop could freely visit Karpaz and attend religious services. Unfortunately, Mr. Tsiakkas chose to exploit our respect for his religious capacity and pressurized Greek Cypriot priests authorized to lead services in the area. In fact, Mr. Tsiakkas not only led all services he attended but he made provocative speeches to Greek Cypriot masses, stirring enmity and social unrest between the Turkish Cypriot and Greek Cypriot people. Consequently, the bishop was warned on numerous occasions between 2007 and 2012, but to no avail. In 2012, the Turkish Cypriot authorities had no choice but to put a stop to this detrimental situation. Hence, bishop Tsiakkas could not lead or attend the religious service which took place at Agia Triada in June 2012 because of his unacceptable efforts to proliferate distrust and sentiments of enmity between the Turkish Cypriot and Greek Cypriot residents of the area. In fact, the only religious component to this matter is the status of the bishop as a religious figure and it was the bishop’s political tendencies aimed at disrupting bicomunal harmony in the Karpaz region which were deemed unacceptable and intolerable by the Turkish Cypriot authorities.

In this context, it is an astonishing shortcoming that the Turkish Cypriot complaints are not even mentioned in the Report despite the fact that they could easily be affirmed by UNFICYP. During August 2011, the month of Ramadan, which is celebrated as the most holy period of the year in the Islam faith, the Greek Cypriot administration did not grant permission to Dr. Talip Atalay, the Head of the TRNC Religious Affairs Department, to cross to South Cyprus to conduct Friday prayers at Köprülü Mosque in Limassol and the

Bayraktar Mosque in South Nicosia and attend a collective pilgrimage to the Hala Sultan Tekke, the most important Islamic monument on the Island. The Greek Cypriot authorities rejected our request in this regards communicated to them through UNFICYP on the grounds that his citizenship was acquired through naturalization rather than birth. This is a clear example of the discriminatory policies upheld by the Greek Cypriots, which blindly violate basic human rights and freedoms, particularly freedom of religion and belief. Given the foregoing, it is completely astonishing and totally unacceptable that, although the Special Rapporteur has been made aware of the situation of bishop Tsiakkas in the past, he deems it necessary to include allegations against the Turkish Cypriots in this regard, but fails to make any mention of the prevention of Mr. Talip Atalay from crossing to the South in clear violation of his basic human rights. This indicates a severe bias in the reporting of this aspect and it is our sincere hope that such biases will be avoided in the future.

Regarding the education of the Turkish Cypriot students living in the South, the Report refers in Paragraph 56 to the Greek Cypriot side's statement that new programmes of religious education for Muslim children are in the process of gradual implementation. Furthermore, in Paragraph 64 it is mentioned that "Roma students are being offered a special programme of Turkish language and history", wrongly referring to the Turkish Cypriots in Limassol as "Roma" despite the fact that there is no such ethnic minority in Cyprus. As it is mentioned above, there are only two main peoples in Cyprus, the Turkish Cypriots and the Greek Cypriots, and consequently two majority religions, namely Islam and Greek Orthodox, as incorporated in the 1960 Constitution. Additionally, the 1960 Constitution recognizes only three minority religious groups, namely the Armenian Orthodox, the Maronite Catholic and the Roman Catholic (Latin). Referring to the Roma as though they are a separate minority group is, yet again, a direct reflection of the Greek Cypriot position aimed at undermining the Turkish Cypriot presence in the South.

As for education in one's mother tongue, a special programme is far from meeting the needs and demands of the Turkish Cypriot students. The reference to the Muslim Turkish Cypriot children, merely with their religious identity, once again undermines the equal status of the Turkish Cypriots and Greek Cypriots on the Island. Moreover, the fact that after several decades, the implementation of religious education programs is still underway in South Cyprus stands testimony to Greek Cypriot indifference in this regard and certainly warranted the attention of the Rapporteur.

It is clearly stated in the Report of the then UN Secretary-General dated 7 June 1996 (S/1996/411) that the Greek Cypriot side had sent a written commitment for the opening of a Turkish medium primary school in Limassol. Despite the fact that nearly 17 years have elapsed since the commitment of the Greek Cypriot side, the Greek Cypriot administration is yet to take any initiative towards opening a Turkish Cypriot school in the South. The fact that the Greek Cypriot side failed to open a Turkish medium primary school in Limassol has also been reflected in the subsequent (post-1996) Reports of the UN Secretaries-General. Furthermore, interviews carried out in 2004 by UNFICYP with the families of Turkish Cypriot children residing in Limassol demonstrate that there is considerable demand among the Turkish Cypriots for a separate Turkish Cypriot school and that many Turkish Cypriot children are not attending primary school at all. Unfortunately, The Greek Cypriot side continues to deny the demand of the Turkish Cypriots living in Limassol for a separate school with Turkish instruction. I would like to take this opportunity to reiterate that the right to education in one's mother tongue is a fundamental human right which is enshrined in international human rights instruments. Unfortunately, it is amply clear that the Greek Cypriot side refrains from fulfilling its commitment and obligation to open a Turkish primary school in Limassol to meet the educational needs of the Turkish Cypriot children living in Southern Cyprus.

In contrast, it should also be underlined that the Turkish Cypriot side has always adopted a constructive approach towards the Greek Cypriots residing in the North. In line with this understanding, as it is well known, in addition to the primary school which has been functioning in Karpaz for decades, the Turkish Cypriot side opened a secondary school in September 2004 for the Greek Cypriot students residing in the said area, thus enabling students to complete their education uninterrupted, without having to move away from their families while fulfilling their secondary education.

As regards the claims in Paragraph 65 that the Turkish Cypriot school system does not offer the option to be exempt from mandatory religious and moral instruction, I would like to clarify that there is no mandatory religious practice education in public schools in our country but a single course on the history of all religions and morals. Moreover, this course is either taught for one class hour per week or is given as an elective course in many public schools. If the relevant teaching material was examined, it could easily be verified that this course teaches students the history and culture of all religions, good ethics and morals, the responsibility of good citizens, the principle of secularism, as well as the freedom of thought and conscience. The situation in the North in this regard is, therefore, not comparable to that in the South. As reported, while there is a so-called exemption of Greek Cypriot students from religious instruction in the South, the exempt students are forced to remain in the classroom during religious instruction and Orthodox priests pay regular visits to public schools for confessions.

We hope and trust that the foregoing considerations will be taken into account and that the Human Rights Council will pay due attention to the rights and interests of the Turkish Cypriot people in its future Reports on the question of freedom of religion or belief and make a sincere effort in reflecting the realities on the Island in order to avoid its exploitation by the Greek Cypriot administration.

In conclusion, I would like to reiterate that the Turkish Cypriot side remains fully committed to the preservation of the common cultural heritage on the Island, as well as the basic universal rights and freedoms of religion and belief.

(signed) Hüseyin Özgürkün
Minister of Foreign Affairs

Appendix

Mosques that have been completely destroyed in the Greek Cypriot Administration

NICOSIA:

1. Aredyu Mosque
2. Lakadamyia Mosque
3. Ayios Sozomeno (Araplık) 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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