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СОВЕТ ПО ПРАВАМ ЧЕЛОВЕКА
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ОСУЩЕСТВЛЕНИЕ РЕЗОЛЮЦИИ 60/251 ГЕНЕРАЛЬНОЙ АССАМБЛЕИ ОТ 15 МАРТА 2006 ГОДА, ОЗАГЛАВЛЕННОЙ "СОВЕТ ПО ПРАВАМ ЧЕЛОВЕКА"

Вербальная нота Постоянного представительства Турции при Отделении Организации Объединенных Наций в Женеве от 3 мая 2007 года в адрес Управления 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 секретариату Совета по правам человека и имеет честь препроводить настоящим копию письма проф. Тургая Авси, заместителя премьер-министра и министра иностранных дел Турецкой Республики Северного Кипра, в котором излагаются мнения турко-кипрской общины по докладу Генерального секретаря "Вопросы прав человека на Кипре" (A/HRC/4/59) от 9 марта 2007 года, который был представлен четвертой сессии Совета по правам человека.

Постоянное представительство Турецкой Республики хотело бы просить распространить прилагаемый документ** в качестве официального документа пятой сессии Совета по правам человека.

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* Переиздано по техническим причинам.

** Воспроизводится в приложении в полученном виде только на языке представления.

Annex

TURKISH REPUBLIC OF NORTHERN CYPRUS
DEPUTY PRIME MINISTRY AND MINISTRY OF FOREIGN AFFAIRS
(Lefkoşa, via Mersin – 10, Turkey)

12 April 2007

Your Excellency,

I have the honour to refer to the report on the "Question of human rights in Cyprus" dated 9 March 2007 (A/HRC/4/59) which has been submitted to the 4th session of the UN Human Rights Council held in Geneva, pursuant to decision 2/102 taken at its 29th meeting on 6 October2006 regarding the "Reports and studies of mechanisms and mandates" and to bring the following considerations to your kind attention:

At the outset, I wish to note with appreciation that compared to last year's report the present one is more balanced since the human rights restrictions faced by the Turkish Cypriots are addressed at greater length. Nevertheless, this positive development is more than counter-balanced by the following shortcomings and omissions in the report.

First, I wish to underline the fact that the references in the report to the so-called "Republic of Cyprus", "Republic of Cyprus law", "Republic of Cyprus Council of Ministers", "President Papadopoulos", "Supreme Court", "President's office" and "Permanent Representative in New York" 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 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".

H.E. Mr. Ban Ki-moon
Secretary-General of
the United Nations Organization
New York

It is seen in the prologue to the report (**Note by the Secretary-General**) that reference is made to last year's report followed by the specification that "the information in the report remains relevant". Indeed, in terms of methodology, the Office of the High Commissioner for Human Rights (OHCHR) has been able to "economize" in its reporting: In the case of Varosha (paragraph 10), for instance, there is a mere mention of Varosha but through the use of a footnote one is directed to last year's report which entailed observations in this regard. As such, in a parallel approach we would like to refer to UN Document A/HRC/2/G/2 of 13 September 2006 containing the Turkish Cypriot perspective with respect to last year's report, which also remains relevant. Furthermore, we have taken note of your remarks in the prologue that, "In the absence of an OHCHR field presence in Cyprus, or any specific monitoring mechanism, the United Nations is not in a position to provide a systematic overview of the situation of human rights in Cyprus ".

As regards the **"Overview"** section of the report, it is observed once again that the present report does not include a section on your mission of good offices. Hence, the present report conveniently sidesteps the overall political picture and developments on the island, thus failing to reflect a full perspective on the question of human rights in Cyprus. Sadly, the Greek Cypriot rejection of the UN Plan for a comprehensive settlement and the ensuing impasse has all but been forgotten and the inhuman policy of isolation being employed by the Greek Cypriot administration against the Turkish Cypriot people in all fields is not given due emphasis.

As you will recall, after the overwhelming rejection by the Greek Cypriot people of the "comprehensive settlement of the Cyprus problem [Annan Plan], which was approved by the Turkish Cypriot people by 65% of the votes, in his report of 28 May 2004 (S/2004/437) your predecessor addressed the unjust isolation of the Turkish Cypriot people and stated that "in the aftermath of the vote, the situation of the Turkish Cypriots call for the attention of the international community as a whole, including the Security Council". He underlined the fact that the "Turkish Cypriot vote has undone any rationale for pressuring and isolating them" and appealed to the UN Security Council to "give a strong lead to all States to cooperate both bilaterally and in international bodies to eliminate unnecessary restrictions and barriers that have the effect of isolating the Turkish Cypriots and impeding their development".

It is most disappointing that while the **Report of the Secretary-General on the UN Operation in Cyprus** of 1 December 2006 (S/2006/931) dwelt on the unjust isolation of the Turkish Cypriot people and entailed your predecessor's call for its lifting (paragraph 10), such an approach has not been taken in the present human rights report. The restrictions imposed by the Greek Cypriot side violating the human rights of Turkish Cypriots in various fields, such as the right to freely trade and travel, are continuing and efforts to rectify this situation by many parties, are still impeded by the Greek Cypriot side. It is difficult to comprehend how this most blatant, systematic and all-encompassing violation of human rights on the island has not been addressed in the report apart from observations concerning the restrictions in the education sphere (**paragraphs 18-19**) and the economic rights of the Turkish Cypriots, in the context of which there is a mere reference to the pending Direct Trade Regulation within the European Union (**paragraph 23**).

As regards the "**Human Rights Concerns**" section of the report which reiterates that "human rights concerns in Cyprus derive predominantly from the persisting division of the island" (**paragraph 2**), one must qualify that the history of human rights violations in Cyprus goes back a long time. It started in 1963 when the Greek Cypriots launched a genocidal attack against the Turkish Cypriots in order to realize their dream of annexing the island to Greece (ENOSIS). It is noteworthy that the Greek Cypriot administration's present policy of applying an all-embracing inhuman embargo against the Turkish Cypriot people originated at that point. It should be recalled that as early as 10 September 1964 in his report to the UN Security Council the then UN Secretary-General described the inhuman restrictions imposed upon the Turkish Cypriot people by the Greek Cypriot authorities, under the usurped title of the "Government of Cyprus", as being so severe that it amounted to a "veritable siege" (UN doc. S/5950).

In this respect, while we fully share the conclusion (**paragraph 24**) that "the situation of human rights in Cyprus would therefore greatly benefit from the achievement of a comprehensive settlement of the Cyprus problem", one should not overlook the fact that bizonality has provided the Turkish Cypriots with security of life, right to a decent life and economic freedom, and has enabled them to return to life under humane conditions after having waged a struggle for survival under grave conditions in enclaves during 1963-74.

It should be pointed out that even before the emergence of the new found geographical reality of bizonality and the establishment of a buffer-zone after 1974, a "Green Line" had been established in the wake of the bloody onslaught by the Greek Cypriots in December 1963, with a view to containing atrocities against the Turkish Cypriot people. However, even the establishment of this "Green Line" and the arrival of the UN Peace-keeping Force in March 1964, did not suffice to prevent the Greek Cypriot attacks against the Turkish Cypriot people. Indeed, the 1967 massacres of Turkish Cypriots residing in Boğaziçi and Geçitkale were carried out at a time when the UN Peace-keeping Force was stationed on the island. It has been Turkey's military intervention of 1974, carried out in accordance with her rights and obligations under the 1960 Treaty of Guarantee, and the continued deterrent effect of Turkish forces against the repetition of Greek-Greek Cypriot aggression that has brought peace and stability to the island since 1974.

While in **paragraph 4** there is a reference to the Green Line Regulation, unlike the previous report the present one does not address the issue of trade between the two sides within the context of the said Regulation. Hence, the report not only fails to address the difficulties encountered by the Turkish Cypriots in the area of international trade but also the difficulties encountered in the area of intra-island trading due to the Greek Cypriot side's obstructionist policies. Contrary to the Turkish Cypriot practice of allowing unhindered access to all Greek Cypriot vehicles and the EU Commission's view that unless restrictions were lifted the Green Line Regulation would be meaningless, the Greek Cypriot administration is still preventing Turkish Cypriot commercial vehicles from transporting goods and people across the Green Line on the pretext of refusing to recognize driving licenses issued in Northern Cyprus.

Moreover, exporters face arbitrary and discriminatory restrictions by the Greek Cypriot customs and other officials at crossing points even if their products fall within the scope of the Green Line Regulation. The most recent example of the Greek Cypriot administration's effort to further limit the implementation of the Green Line Regulation is the introduction of tougher measures and stricter controls on products crossing from the North. Such decisions clearly expose the Greek Cypriot administration's intolerance of every effort that would even minimally contribute to the economic development of the Turkish Cypriot people. It should be noted that the volume of trade from North to the South, within the framework of the Green Line Regulation, is less than 3 % of the total export of the Turkish Cypriot side for the year 2006. What constitutes bigger urgency for the Turkish Cypriot people is the adoption of the Direct Trade Regulation, which would be a positive step towards eliminating the restrictions and the creation of the necessary conditions for the economic and social development of the North.

It is observed in the report that there is a reference to the opening of additional crossing points, including the Lokmacı (Ledra street) crossing point (**paragraph 4**). Since our position regarding the opening of new crossing points and our constructive attitude aimed at increasing contacts and building confidence between the two peoples of the island have been demonstrated through concrete steps, the report should have clearly indicated that the crossing point in question could not be opened due to the difficulties put forward by the Greek Cypriot authorities. As would be recalled, President Talat in his letter of 6 July 2006 (S/2006/533) addressed to your predecessor informed the UN authorities that the Turkish Cypriot side is ready and willing to cooperate with the UN Peace-keeping Force as well as to discuss formulations which would enable the opening of the crossing point at Lokmacı.

On 28 December 2006, President Talat announced that as a gesture of good will, the Turkish Cypriot side would dismantle the footbridge it had constructed and did so in the following days. Recently, in his meeting with President Talat in Brussels on 28 February 2007, the EU Commissioner for enlargement Mr. Olli Rehn welcomed the initiative of the Turkish Cypriot side to dismantle the footbridge and told him of his letter addressed to the Greek Cypriot Foreign Minister Mr. George Lillikas calling on the Greek Cypriot side to reciprocate to the positive move of the Turkish Cypriot side and consent to the opening of the Lokmacı gate. Mr. Rehn reiterated the Commission's pledge of 100,000 euros to the demining of the Lokmacı area. Against this background of mounting external, as well as internal pressure, the Greek Cypriot side has eventually demolished the wall of separation on its side of the street on 9 March 2007, but it has dampened the expectation of a positive contribution since it insists on putting forward preconditions for the opening of the crossing point. We are of the expectation that the Greek Cypriot side will withdraw its preconditions and henceforth engage in cooperation for putting the Lokmacı crossing to the service of both peoples, as is the case with other crossing points.

As regards the freedom of movement on the island (**paragraph 5**), one should not lose sight of the geopolitical reality of bizonality and the fact that there is a long standing political dispute on the island which is borne by the fact that a UN Peace-keeping Force has been present on the island for the past 43 years. It should not be forgotten that military zone prohibitions are commonplace even in most democratic societies. Moreover, the same prohibitions are in force in South Cyprus so it is curious why prohibitions in regard to the military zones in the Southern part of the island are not considered restrictions to the freedom of movement on the island. In

paragraph 5 the reference to villages in Northern Cyprus without indication of their Turkish names is unacceptable. The same holds true for the references in **paragraph 20** to towns and villages in the Turkish Republic of Northern Cyprus (TRNC). In this context, it should also be reminded that Cyprus is the common home of the Turkish Cypriots and the Greek Cypriots where a great number of villages enjoyed both Greek and Turkish names.

A serious shortcoming of the report in connection with freedom of movement in the island has been the failure to mention the repeated cases of maltreatment of the Turkish Cypriot people at crossing points by the Greek Cypriot police and customs officers or in some cases by ultra-nationalist groups whose behaviour is condoned by the Greek Cypriot police and customs officers. A glaring case of the continuing Greek Cypriot policy of cruel, inhuman and degrading treatment of the Turkish Cypriots, has been the maltreatment of Mr. Osman Sarper. On 27 June 2006, Mr. Sarper, a Turkish Cypriot architect, was arrested by the Greek Cypriot police while passing to South Cyprus through the Metehan crossing point on grounds of possessing architectural plans and documents related to land, which was claimed to be formerly owned by the Greek Cypriots. After eight days of detention, Mr. Sarper was brought before the Greek Cypriot Nicosia District Court and despite the medical reports stating that he had a serious heart condition, he was kept in jail for seven more days. Furthermore, the Greek Cypriot administration refused the medical examination of Mr. Osman Sarper by his Turkish Cypriot doctor. Deterioration of his health and the intensive protests of his family and the Turkish Cypriot civil society organizations, forced the Greek Cypriot administration to release him on bail on 11 July 2006. Many other Turkish Cypriots are still being detained and harassed by the Greek Cypriot police for the same reason.

It is noteworthy in this regard that the Greek Cypriot administration has drafted a law which envisages the prosecution of any individual without any exception involved in buying and selling of “former Greek Cypriot properties” in the TRNC and, within this framework, the arrest and even imprisonment up to 7 years of Turkish Cypriot citizens utilizing these properties in the event that they cross over to the South. The implications of the implementation of the said law for the freedom of movement on the island and the efforts towards creating an environment of trust and confidence between the two sides must be self evident.

Meanwhile, a case of maltreatment at the Ledra Palace crossing point, perpetrated by an ultra-nationalist group and condoned by the Greek Cypriot police and customs officers has been that of Ms. Sevgül Uludağ, a well known journalist and researcher. On 15 November 2006, Ms. Uludağ, who has been writing articles for the rapprochement of the Turkish Cypriots and the Greek Cypriots and also on the issue of missing persons, was physically attacked and verbally insulted by the members of the Greek Cypriot ultra-nationalist group *Chrysi Avghi* (Golden Dawn) while crossing the Ledra Palace border gate. The same group also damaged the car of Mr. Aziz Ener, another Turkish Cypriot pro-unification journalist, with iron bars and verbally insulted other Turkish Cypriots passing through the border gate. As a result of these attacks, the crossing through the Ledra Palace border gate was temporarily halted.

Concerning **paragraph 6** which has to do with the bi-communal contacts and cooperation between the two sides, we share the view that the efforts of the UN Development Programme (UNDP) need to be nurtured. I would like to state that the Turkish Cypriot side has been working in full cooperation with UNDP, also extending the necessary support to the

activities between the two sides. On the contrary, the Greek Cypriot administration, particularly since the referenda, has been trying to hamper the activities of the UNDP aimed at reconciliation between the two peoples. In this respect, we believe that the addressee of the call for cooperation and removal of any obstacles to such activities in the report is the Greek Cypriot side.

As for **paragraph 7**, which deals with the criminal activities through the buffer zone, it should be reiterated that we have repeatedly expressed our readiness to establish contacts at all levels and to cooperate with the Greek Cypriot side in the fight against smuggling, drug trafficking, illegal immigration, human trafficking and similar illicit activity. It was with this understanding that, on 26 January 2005 we called for the establishment of technical committees that would take up issues relating to the daily lives of the two peoples in the island, and criminal matters was one of the topics. As you are well aware, in spite of the agreement reached on 8 July 2006, as a result of the untiring efforts of the then Undersecretary-General Gambari, our attempts to establish committees in order to address humanitarian and practical matters and working groups to facilitate a comprehensive settlement, have so far not produced any tangible result due to Greek Cypriot obstructionism. Attempts to enhance information sharing on criminal matters resulted in failure only because of the Greek Cypriot side's uncooperative attitude. We believe that the report should have made clear that it is the Greek Cypriot side which rejects such cooperation and has been using various tactics to stall the 8 July process.

At this juncture, the Greek Cypriot administration is manipulating the 8 July process with a view to fending-off the pressure it has been subjected to in Brussels concerning the Direct Trade Regulation. A stark example of the Greek Cypriot manipulation efforts regarding the 8 July process is the seemingly contradictory statements made to the Greek Cypriot official news agency CNA by the Greek Cypriot leadership on 20 March 2007. On the one hand, the Greek Cypriot leader Mr. Papadopoulos stated the following: "Problems that arised during the course of the discussions have been successfully addressed. In particular, a common understanding has been achieved on the issue of which technical committees and working groups will be set up. The precise content of the discussions of each working group has also been defined". On the other hand, the Greek Cypriot Foreign Minister, Mr. Lillikas, said that "Any expectations and hopes created over the last few days, especially after the submission of our compromise proposal, have faded with the refusal of the Turkish Cypriot side to consent and agree for the immediate implementation of the Agreement".

The international community, and the UN in particular, should impress upon the Greek Cypriot side that they cannot literally fiddle around with the 8 July process, creating the impression of reviving it or putting it dead in its tracks according to their political purposes, but that they should approach the matter with due urgency and with the clarity and seriousness it deserves.

Paragraph 9 of the report refers to the abhorrent and premeditated event resulting in the beating of 5 Turkish Cypriot students by 20 young Greek Cypriots on 22 November 2006 at the English School in the South. This extremely serious event is only one of similar other incidents that have been occurring frequently within the last reporting period.

In this context, I would like to remind your Excellency of President Talat's letter addressed to your predecessor dated 29 November 2006 (S/2006/929) covering in detail the attacks perpetrated against the Turkish Cypriots in the South Cyprus. We are saddened to observe in the report that this has been presented as an isolated incident. The truth of the matter is that this incident is only one example and a manifestation of the rising trend of racism, chauvinism and ultra-nationalism among the Greek Cypriot populace which is being fuelled by the Greek Cypriot leadership. The provocative and irresponsible statement which Mr. Papadopoulos had made during the opening ceremony of a monument in memory of Greek Cypriot soldiers, compels us to question his sincerity in his condemnation of the incident at the English School. According to the Greek Cypriot daily *Politis* dated 20 November 2006, during his speech at the ceremony, Mr. Papadopoulos said, "The messages of heroism for those who lost their lives for their homeland shall not be silenced by the voices of the imams. [As Mr. Papadopoulos was delivering his speech, *ezan* (call for prayer) could be heard from a mosque in the vicinity]." It is a well known and undeniable fact in social sciences that prejudices against any religion often manifest itself in general negative attitudes, such as violence, harassment, discrimination and stereotyping in societies.

Another example in this regard is the incident of Mr. Ozan Ceyhun. Mr. Ceyhun, former member of the European Parliament and a member of the German Social Democratic Party, was assaulted by eight Greek Cypriot youngsters in front of the Hilton Hotel, South Nicosia, while traveling in a taxi carrying Turkish Cypriot number plates. Apart from attacking the taxi, the perpetrators also spat on the face of the Turkish Cypriot driver. In spite of the ongoing appeals by the victims and the fact that most of the attacks against the Turkish Cypriots by ultra-nationalist Greek Cypriots occur in the vicinity of the hotel, the Greek Cypriot police still refrain from taking the necessary measures in that area.

In this context, it is noteworthy that the European Network Against Racism (ENAR) shadow report published in 2005, entitled "Racism in Cyprus", has made serious warnings to the Greek Cypriot administration and stated that, "Islamophobia has always been present in [South] Cyprus, to a lesser extent though, due to the Cyprus problem. However, it has now taken larger dimensions as anyone of Muslim religion is not only presumed to be a potential collaborator with Turkey but also a potential terrorist. This is shown by the [Greek Cypriot] police's eagerness to arrest Muslim students and deport them on suspicion of membership to terrorist organizations without any particular examination of their case….".

As incidents similar to the above and the various reports and studies, one of which is the ENAR's report, clearly indicate, the Greek Cypriot administrative policies are the main reason behind the rising trend of racism, xenophobia, ultra-nationalism and unfortunately Islamophobia in South Cyprus. It is the inevitable result of the Greek Cypriot administration's education policies and the teachings of the Greek Cypriot religious leaders which sustain the decades-old policy of the Greek Cypriot administration aimed at dominating the island at the expense of the Turkish Cypriot people.

Regarding **paragraphs 10-13**, I wish to underline the fact that one of the most fundamental issues in the Cyprus question is the property issue. The Turkish Cypriot side has for long been proposing to the Greek Cypriot side that a Joint Property Claims Commission be established to look into Turkish Cypriot and Greek Cypriot property claims and to develop the

modalities as to how the property issue can be settled on the basis of the agreed principle of bizonality. The Greek Cypriot side, however, instead of seeking to resolve the issue with the Turkish Cypriot side in accordance with established parameters, has over the years encouraged recourse to the European Court of Human Rights (ECtHR) in a bid to carry the issue to the European platform. As in the case of *Apostolides v. Orams* (**paragraph 13**), the Greek Cypriotside's unilateral accession to the EU has presented it with the opportunity to further complicate the issue of property rights by encouraging recourse to courts in the South for the issuing of EU arrest warrants against those buying or selling property in the North.

In the absence of cooperation from the Greek Cypriot side, since June 2003 the Turkish Cypriot side has been taking unilateral steps aimed at providing internal legal remedies to the concerned parties. In this connection, taking into account the ECtHR's admissibility decision of 14 March 2005 and its judgment of 22 December 2005 on the merits of the *Xenides-Arestis v. Turkey* application, the Law entitled "Law for the Compensation, Exchange and Restitution of Immovable Properties (Law no. 67/2005)" ("the Law" hereafter), was enacted in North Cyprus in December 2005. This Law envisages compensation, exchange and restitution for movable and immovable properties located within the boundaries of the TRNC which were possessed by the Greek Cypriots before 1974 and were abandoned thereafter. In accordance with this legislation, the Immovable Property Commission (IPC) was established on 22 March 2006, the mechanism of which is entirely based on the comprehensive guidelines suggested by the ECtHR. The Commission that comprises seven members, two of which are internationally renowned personalities of not Turkish decent, has the status of a court and its decisions are binding and implemented just as the decisions of the judiciary.

A detailed account of the provisions of the Law and the effectiveness of the IPC has been provided in the Annex. It must be noted in this context that the reaction of the Greek Cypriot administration to the establishment of the IPC has not been encouraging; it has threatened to take legal action against potential applicants. Sadly, the Greek Cypriot authorities are attempting to undermine an effective legal instrument which conforms fully with relevant international norms.

I have to point out that the manner in which **paragraph 11** has been drafted, notably the bypassing of Turkish Cypriot authorities and institutions and the portrayal of the IPC as having been introduced by Turkish authorities, gives the false impression that the issue of property rights is an issue between Turkey and the Greek Cypriots. This is erroneous and unacceptable.

The report deals with the issue of missing persons in **paragraphs 14-16**, in this connection referring to Security Council resolution 1728 (2006) of 15 December 2006 which reiterated its call to the parties "to assess and address the humanitarian issue of missing persons with due urgency and seriousness and welcomed progress made since the resumption of the Committee on Missing Persons (CMP) activities and the appointment of the Third Member of the Committee". As is the case with the issue of property rights once again Turkey is ultimately held responsible on the issue of missing persons as reference is made to the meeting of the Committee of Ministers of the Council of Europe held on 6 December 2006 to consider the relevant aspect of the *Cyprus v. Turkey* judgment of the ECtHR. This kind of approach which attempts to bypass or override Turkish Cypriot authorities and institutions thereby undermining the political equality of the Turkish Cypriot side, clearly does not augur well either for the resolution of the issues at hand or for the prospects of a comprehensive settlement in the island.

You will recall that the CMP was established in 1981 by the UN as a tripartite committee composed of a Turkish Cypriot, a Greek Cypriot and a Third Member appointed by the UN Secretary-General, to address the problem of the missing. As such, it must be evident that Turkey is not a party to the issue of missing persons in Cyprus, but fully supports the work of the CMP as it equally desires the resolution of this humanitarian issue.

It is unfortunate that the wording of **paragraph 19** is far from portraying the negative attitude of the Greek Cypriot administration in connection with the opening of a Turkish primary school in Limassol in order to meet the educational needs of the Turkish Cypriot children living in Southern Cyprus, whose number is well over the Greek Cypriot children living in the Northern Cyprus. It should be reiterated that the Greek Cypriot administration's "commitment" to establish a Turkish Cypriot school is not something new but dates back to 1996 as recorded in the report (S/1996/411, 7 June 1996) submitted to the Security Council by the then Secretary-General. The March 2005 "commitment" came only after the numerous calls of the Turkish Cypriot side for the establishment of such a school.

Notwithstanding the Greek Cypriot side's negative stance towards establishing a Turkish-language elementary school in Limassol, which is a flagrant violation of the educational rights of the Turkish Cypriot residents in the area, the Turkish Cypriot side is paying utmost attention to the educational needs of Greek Cypriot children residing in Northern Cyprus. In evidence of this, a Greek Cypriot secondary school has been opened in the Karpaz area in September 2004, in addition to the Greek Cypriot elementary school which has been functioning there for over three decades. As a result, students are able to complete their education uninterrupted, without having to move away from their families while studying. Moreover, in order to meet rising demand in this respect, the number of teachers lecturing in the Greek Cypriot school has been increased. Despite all these unilateral positive steps taken by our authorities, our actions have not been reciprocated by the Greek Cypriot administration, despite repeated "commitments". Taking these facts into consideration, it is only natural that we expected the UN to give a strong message to the Greek Cypriot administration, to propose concrete action to this end through the report, rather than referring merely to the details of the lawsuit filed by the Turkish Cypriot Teachers Union.

Although the reference to "the gap in the standards of living between the Greek Cypriots and the Turkish Cypriots" (**paragraph 23**) and to the European Council's Financial Aid Regulation of February 2006 and the pending Direct Trade Regulation constitute a positive development, it is unfortunate that the Greek Cypriot administration's initiatives to further entrench the unjust isolation imposed on the Turkish Cypriot people have not been addressed in the report. It will be recalled that subsequent to the referenda and in response to the positive stance of the Turkish Cypriot people, the European Commission prepared two draft regulations, namely the Financial Aid and Direct Trade Regulations, the latter of which would have the effect of significantly alleviating the embargoes imposed on the Turkish Cypriots. However, because of the concerted efforts of the Greek Cypriot side, the European Union has decoupled the two regulations despite the Turkish Cypriot side's objection and adopted only the Financial Aid Regulation with amendments in line with the Greek Cypriot demands. The future of the Direct Trade Regulation is now uncertain. The main expectation of the Turkish Cypriot people, who each year receive from the Republic of Turkey much more than the amount earmarked in the Financial Aid Regulation in question, is that concrete steps be taken for the realization of direct

trade, which would ensure the Turkish Cypriot people's integration with the world. Countries attempting to take steps, albeit small, in the direction of easing the isolation of the Turkish Cypriot people, have also met with Greek Cypriot obstruction, sometimes involving undignified threats.

The Greek Cypriot administration instead of contributing to the search for a comprehensive settlement within the UN framework, continues to pursue a policy characterized by one-sided *fait accomplis* and the isolation of the Turkish Cypriot people. The following are only two glaring examples of the Greek Cypriot policy in this regard, which constitute grave human rights violations.

Lately, the Greek Cypriot administration has intensified its efforts to sign bilateral agreements to delimit maritime jurisdiction areas in the Eastern Mediterranean with a view to the exploration of oil and natural gas around the island of Cyprus. It must be understood that the TRNC also has rights and authority over the maritime areas around the island of Cyprus. The Greek Cypriot administration is not entitled to negotiate and conclude international agreements on behalf of the whole island. Therefore, by acting unilaterally in this regard, the Greek Cypriot side is violating the rights of the Turkish Cypriot people, since the natural resources on the island of Cyprus and its offshore must be jointly exploited by the two sides. Furthermore, it must also be kept in mind that Turkey has legitimate and legal rights and interests in the Eastern Mediterranean. Parts of the maritime areas that are subject of the said bilateral agreements also concern Turkey's rights and interests.

The machinations of the Greek Cypriot administration concerning maritime jurisdiction areas, which includes the conclusion of the said bilateral agreements, enactment of legislation identifying oil exploration fields around the island of Cyprus and its call for an international tender, will adversely affect the stability in the whole Eastern Mediterranean region, in the event that they insist on this course of action. We trust that those countries and companies that might consider conducting research for oil and gas exploration, based on invalid licenses Greek Cypriot authorities may contemplate to issue for maritime areas around the island of Cyprus, take into account the sensitivity of the situation as well as the will of the Turkish Cypriots, the other constituent people of the island, and refrain from any endeavour that might negatively affect the settlement process of the Cyprus issue.

A case in point demonstrating the isolationist policies of the Greek Cypriot administration has been the letter campaign launched in an attempt to prevent scholars and researchers from participating at the international conference entitled "Environment: Survival and Sustainability" which took place between 19 and 24 February 2007 at the Near East University in the TRNC. The letters which were addressed to the participants by a Greek Cypriot official from the so-called "Cyprus Embassy" at the participant's country of residence paradoxically claimed that their participation would only serve to perpetuate the division of the island. However the record is clear: It is the Greek Cypriot side which rejected the reunification plan in 2004 and has been shunning negotiations ever since. Evidently, the organization of a major international conference in the TRNC is anathema to the Greek Cypriot administration regardless of the fact that the sole aim of the conference was to contribute to the worldwide

debate and efforts in meeting environmental threats and challenges. Despite the Greek Cypriot campaign, however, the conference was attended by scholars and researchers from 108 countries who submitted a total of 1413 papers under 21 different sub-headings.

As the party which has demonstrated its firm commitment to the resolution of the Cyprus issue on the basis of political equality, we have noted with pleasure the observation in the "**Conclusion**" section of the report that "the situation of human rights in Cyprus would therefore greatly benefit from the achievement of a comprehensive settlement of the Cyprus issue". However, for reasons that must be evident from our foregoing observations, in our opinion there is a disparity between the content and conclusion of the report in the sense that such reporting which does not uphold the principle of the political equality of the two sides and fails to hold the Greek Cypriot side responsible for the current impasse and its application of inhuman restrictions, will not contribute to the search for a comprehensive settlement.

We hope and trust that the views expressed above will be duly taken into consideration and that sensitivity will be shown towards the rights and interests of the Turkish Cypriot people in the future reports; if indeed the current process of reporting on the human rights situation on the island is to continue in spite of its exploitation by the Greek Cypriot administration at the Human Rights Council.

In conclusion, I would like to reiterate that, as the Turkish Cypriot side, we remain fully committed to the comprehensive settlement of the Cyprus issue under Your Excellency's mission of good offices and on the basis of the UN Comprehensive Settlement Plan. Taking this opportunity, I would like to express my hope and trust that under your able guidance, efforts to find a comprehensive settlement would come to fruition without further delay.

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

(Signed) Assoc. Prof. Turgay Avcı
Deputy Prime Minister
and Minister of Foreign Affairs

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