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مجلس حقوق الإنسان

الدورة السادسة عشرة

البند ٢ من جدول الأعمال

التقرير السنوي لمفوضة الأمم المتحدة السامية لحقوق الإنسان

وتقارير المفوضية السامية والأمين العام

مذكرة شفوية مؤرخة ٣ آذار/مارس ٢٠١١ موجهة من البعثة الدائمة لتركيا لدى مكتب الأمم المتحدة في جنيف إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان

تهدي البعثة الدائمة لجمهورية تركيا لدى مكتب الأمم المتحدة في جنيف والمنظمات الدولية الأخرى في سويسرا تحياتها إلى مفوضية الأمم المتحدة السامية لحقوق الإنسان، وتشرف بأن تحيل طي هذه المذكرة نسخة من رسالة معالي وزير خارجية الجمهورية التركية لشمال قبرص حسين أوزغورغون* التي تبين آراء القبارصة الأتراك بشأن التقرير المقدم من الأمين العام إلى مجلس حقوق الإنسان فيما يتعلق بمسألة حقوق الإنسان في قبرص (A/HRC/16/21).

وستكون البعثة الدائمة لجمهورية تركيا ممننة لو تُعمم هذه المذكرة ومرفقها كوثيقة من وثائق الدورة السادسة عشرة لمجلس حقوق الإنسان.

* استُنسخت في المرفق كما وردت وباللغة التي قدمت بها فقط.

Annex

1 March 2011

Excellency,

I have the honor to refer to the Report on the “Question of Human Rights in Cyprus” dated 7 January 2011 and to bring to your kind attention the following facts and considerations:

At the outset, it should be underlined that the references in the report to the so-called “Republic of Cyprus”, “Government of Cyprus”, “Ministry of Education of the Republic of Cyprus” reflect neither the realities nor the legal position in Cyprus. The Republic of Cyprus was established in 1960 in accordance with the International Treaties signed between two equal peoples, namely the Turkish Cypriot and Greek Cypriot people and the three guarantor powers, Turkey, Greece and the United Kingdom. The legality of the 1960 Republic was based on the concurrence of the two co-founding partners and their equal representation in all organs of the State and its Government. The 1960 Republic was destroyed by the Greek Cypriot partner in December 1963 when all Turkish Cypriot members were forcefully removed from all organs of the State and its government. The Cyprus problem was, thus, created by the Greek Cypriot side in 1963 and continues to be on the agenda of the international community to this date. The Turkish Cypriots refused to bow to this illegal 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 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”.

In view of a reference in the Report to the term “Cypriot”, it should be stated that there exists in Cyprus no such national identity. It should be recalled that the 1960 Agreements had created a State, albeit a short-lived one, but not a nation. Cyprus is comprised of two peoples, namely the Turkish Cypriots and the Greek Cypriots, who have been negotiating on an equal basis to reach a just and viable settlement to the Cyprus issue. It should also be noted that even the Constitution of the now defunct 1960 Republic of Cyprus acknowledges that there exists in Cyprus two communities who are of Greek and Turkish origin. Article 2 of the Constitution reads “*the Greek Community comprises all citizens of the Republic who are of Greek origin and whose mother tongue is Greek or who share the Greek cultural traditions or who are members of the Greek-Orthodox Church; the Turkish Community comprises all citizens of the Republic who are of Turkish origin and whose mother tongue is Turkish or who share the Turkish cultural traditions or who are Moslems*”. As it would be untenable to claim that a “Cypriot” nation had emerged during the troublesome three years which led to the collapse of the Republic in 1963, any reference to a “Cypriot” nation is factually wrong and misleading.

As regards the “**Overview**” section of the Report, it is observed once again that the present Report conveniently overlooks the overall political picture and developments on the island, thus failing to reflect the full perspective on the question of human rights in Cyprus. Sadly, the Greek Cypriot rejection of the 2004 UN Plan for a comprehensive settlement and the ensuing impasse have been forgotten and the inhuman policy of isolation being imposed by the Greek Cypriot administration on the Turkish Cypriot people in all fields is not given due emphasis.

As regards the “**Human Rights Concerns**” section of the Report, which reiterates that “*the persisting division of Cyprus continues to have consequences in relation to a number of*

human rights issues on the whole island...”, one must qualify that the history of human rights violations in Cyprus dates back to 1963 when the Greek Cypriots launched an organized attack against the Turkish Cypriots throughout the island in pursuit of realizing their dream of annexing the island to Greece (ENOSIS). 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).

Between 1963 and 1974, Turkish Cypriot people were subjected to all kinds of brutal treatment and human rights abuses. Hundreds of Turkish Cypriots were killed by armed Greek Cypriot paramilitaries and a quarter of Turkish Cypriot population (some 30,000 people) rendered homeless. Hundreds more were abducted never to be seen or heard of again. The survivors were confined into small enclaves, the total area of which corresponded to a mere 3 % of the territory of Cyprus. Although the Turkish Cypriot people were not only saved from this agony but from of total extermination with the timely intervention of Turkey, the Greek Cypriot assault against Turkish Cypriots continued in the form of inhuman embargoes on their economic, social, cultural and political life. Utilizing its hijacked title of the “Republic of Cyprus”, the Greek Cypriot side managed to keep the Turkish Cypriot people under embargoes and isolation which range from denying the Turkish Cypriot people the right to representation in international fora; preventing or restricting their travel abroad and their communication with the outside world; curtailing trade and tourism between the TRNC and the other countries, and to hampering all cultural and sporting relations of the Turkish Cypriot people with other countries.

As regards the **freedom of movement**, the report does not adequately address the issue of trade between the two sides within the context of the Green Line Regulation. Hence the report fails to address the difficulties encountered by the Turkish Cypriots 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. Limited in both scope and value, the Green Line trade, which the Greek Cypriot administration farcically claims to be an adequate tool for the Turkish Cypriot economy to flourish, is totally inadequate in reducing the economic disparity between the two sides and progressing towards trade convergence and reunification. Furthermore, the Green Line Regulation covers only the movement of goods and people from North to South Cyprus while the services dimension remains underdeveloped. 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.

The report argues that the “...*Turkish authorities impose restrictions on the length of stay by Greek Cypriots in the north. For a stay that exceeds three months, they need to apply for a visa*”. However, it is in fact the Greek Cypriot administration which restricts the freedom of movement of people who travel to North Cyprus. Even the European citizens who spend their holidays in North Cyprus and wish to fly back to their countries from the airport in Larnaca face difficulties by the Greek Cypriot police on the grounds that they visited North Cyprus. Moreover, children born in the Turkish Republic of Northern Cyprus whose parents are TRNC citizens originating from Turkey or children of mixed marriages (Turkish Cypriot and Turkish) are still facing difficulties caused by the Greek Cypriot administration to cross to South Cyprus.

Regarding the subsection on “**Human rights pertaining to the question of missing persons**” paragraphs 14 and 15 note that “*CoE CMD therefore insisted on its request that the Turkish authorities inform it of the measures envisaged in the prolongation of the CMP’s work with a view to effective investigations required by this judgment*”. Paragraph 15 goes by saying “*...invitation to the Turkish authorities to take concrete measures to ensure access by CMP to all relevant information and places, without impeding the confidentiality essential to the implementation of its mandate*”. This kind of approach which attempts to bypass or override Turkish Cypriot authorities and institutions, thereby threatening 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 on the island.

Furthermore, with regards to the issue of effectiveness of the Turkish Cypriot side within the framework of the Committee of Missing Persons’ activities, the “Report on best practices in the matter of missing persons” of the Human Rights Council Advisory Committee dated 22 December 2010 underlined in paragraph 94 that: “*the case of Cyprus...may be considered a model of best practices*” where the “*team, comprising Greek and Turkish Cypriot forensic practitioners, works with the families of missing persons and integrates different disciplines...*” This statement is obviously contradictory to the allegations mentioned in the Report on the “Question of human rights in Cyprus” and is also testimony to the considerable contribution made by the Turkish Cypriot side to the work conducted by the Committee of Missing Persons, which wasn’t given due credit in the said Report.

Moreover, the Greek Cypriot side presents the humanitarian issue of missing persons as only affecting Greek Cypriots. However, this is misleading since it equally affects the Turkish Cypriot people. It should be stressed that the question of missing persons in Cyprus dates back to 1963. Between the years of 1963-1974 around 502 Turkish Cypriots went missing after being abducted or detained by armed agents of the Greek Cypriot administration. All of them were innocent civilians, one-fourth comprising women and children, who were abducted from their homes, work places, hospitals or roads by the Greek Cypriot police and militia, who were then murdered and thrown into wells or mass graves.

Regarding the work of the Committee on Missing Persons, the commitment of the Turkish Cypriot side to the work carried out by the CMP in line with the mandate agreed by the two sides under the auspices of the United Nations Secretary-General is reiterated. It has been due to the commitment of the Turkish Cypriot side and the diligent cooperation of the relevant TRNC authorities that by November 2010, 209 Greek Cypriot and 54 Turkish Cypriot remains have been exhumed, identified and returned to their families. As a further gesture of good will and sincerity, the Turkish Cypriot side has granted “access to four new exhumation sites located in military areas in the north” (paragraph 28 of S/2010/264 dated 28 May 2010) and the work on these sites have since been underway. Thus, the call made in paragraph 37 of the Secretary-General of the United Nations in his latest report on the United Nations operation in Cyprus which is also referred to in the current report under **paragraph 16** for “*“Turkish Forces’ to adopt a more forthcoming approach, given the humanitarian dimension of the issue*” is unwarranted and totally misrepresents the cooperative approach of the Turkish Cypriot side as regards the matter. Furthermore, it is noted with regret that, despite all the initiatives and humanitarian stance of the Turkish Cypriot side in handling the matter, the current report fails to acknowledge that the Greek Cypriot side has long been pursuing a policy of politicizing the issue of missing persons by taking the issue to international platforms such as the European Parliament, the Council of Europe or the European Court of Human Rights, thus attempting to bypass the CMP mechanism in order to gain political advantages through unilateral decisions.

Moreover, the current Report under **paragraph 14** does not reflect proper information by referring to the *Varnava and Others v. Turkey and Cyprus v. Turkey* cases and disregards current developments. The CMP has evolved considerably since the finding of the Court in the case of *Cyprus v. Turkey*. The project on the exhumation and return of remains has been yielding tangible results, with financial and practical assistance from both sides, international NGOs and the international community.

In addition, after the CMP exhumes the remains and identifies them, they inform the families confidentially and return the remains of their families for burial. The Turkish Cypriot authorities have undertaken further investigation after the families have shared this confidential information with them. Since then, the President of the Turkish Republic of Northern Cyprus has informed the Attorney-General and requested that investigations be carried out as to the circumstances of death of each case, to ascertain whether death has occurred as a result of unlawful acts, and if so, to identify and punish the perpetrators. The Attorney-General has instructed the police authorities to carry out the necessary investigation with this purpose.

We welcome **paragraph 18** of the Report which refers to *Emin and six other cases v. Cyprus, Greece and the United Kingdom* and underlines the difficulties faced due to the reluctant attitude of the Greek Cypriot side to conduct the required research on the case.

With regards to the **property rights** subsection, I wish to underline that one of the most fundamental issues regarding the Cyprus question is the property issue and it affects not only the Greek Cypriot people but also the Turkish Cypriot people. In fact, many Turkish Cypriots were forced to abandon their homes at gunpoint as early as the late 1950's and three or four times over during the period between 1963 and 1974, leaving a considerable amount of property in South Cyprus. As known, the reciprocal property claims of the two sides constitute one of the major topics of discussion at the ongoing negotiations between the leaders of the two sides conducted under the UN Secretary General's auspices.

As for **Paragraph 19** of the Report which states that "...While previously only Turkish Cypriot property owners who lived in the Government-controlled areas or moved abroad before 1974 could claim their property, the amendment extends this right also to those who went abroad after 1974". It is very important to note that, the said change to the Custodian Law is not applicable to those who applied prior to the amendment.

It is also amply clear that the Greek Cypriot side is trying to utilize a limited amendment to mislead the world into believing that the Turkish Cypriots residing in Northern Cyprus can apply to the Custodian to reclaim their properties located in South Cyprus. On the contrary, the Turkish Cypriots who own properties in South Cyprus and reside in North Cyprus are still deprived of their rights to claim their properties. Moreover, it has been observed that the clause preventing monetary compensation for Turkish Cypriot property owners until the resolution of the Cyprus problem, still remains in the law. The legal stance of the Turkish Cypriot side is exemplified in the following 10 cases presented by Turkish Cypriot property owners and currently being heard by the European Court of Human Rights: 49247/08 KAZALI, lodged on 8 October 2008; 49307/08 MUSTAFA and Others, lodged on 8 October 2008; 30792/05 NOURI, lodged on 2 August 2005; 30565/04 HALIT and Others, lodged on 27 August 2004; 4080/06 DURMUS, lodged on 30 December 2005; 34776/06 OSMAN, lodged on 14 August 2006; 1545/07 CHAKARTO and Others, lodged on 13 December 2006; 38902/05 ABNI, lodged on 8 October 2005; 1760/05 KAMIL, lodged on 1 January 2005; and 3240/05 SALIH, lodged on 13 January 2005 against Cyprus.

It is of the utmost importance to note however that those Turkish Cypriots who managed to file complaints with the Greek Cypriot courts regarding their property rights have all been rejected by Greek Cypriot Courts. [*Ali Kamil and others v. The Minister of the Interior as Guardian of Turkish Cypriot Properties (Case No. 133/2005, 19 January 2007)*;

Solomonides v. the Republic and the Ministry of Interior acting as the Guardian of Turkish Cypriot Properties (Case No. 113/03); Ahmet Mulla Suleyman v. the Republic (Case No.99/2005); Ozgun Ahmet Mumtaz (Soyer) v. the Republic, (Case No. 5825/05), and Meryem Kaya v. the Police and the Ministry of Justice and Public Order of the Republic (Case No. 61/2008)].

As for the property rights of Greek Cypriots, the Turkish Cypriot side never denied the unalienable right to property, and, thus, established the Immovable Property Claims Commission (IPC) to deal with the claims of Greek Cypriot individuals regarding immovable property located in the North. As is also acknowledged in the Report in **paragraphs 20**, in the beginning of March 2010, the European Court of Human Rights concluded on *Demopoulos v. Turkey and seven others* 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”. However, since the establishment of the said Commission, the policy of the Greek Cypriot leadership has always been to deprive its citizens of applying to it in contradiction of Greek Cypriot’s best interest. The Greek Cypriot leader Christofias has explicitly urged Greek Cypriot property owners to stay away from the Immovable Property Commission.

Paragraph 26 of the Report touches upon the Maraş (Varosha) case and claims that “The situation in Varosha remains unchanged and the United Nations holds the Government of Turkey responsible for the status quo, states the latest Secretary-General’s report on the United Nations operation in Cyprus”. With regards to Maraş (Varosha), it should be underlined that no organization or country, including the UN or Turkey, has political authority and/or jurisdiction over Maraş other than the democratically elected authorities of the Turkish Republic of Northern Cyprus (TRNC). As such, Maraş has never been treated any differently than other parts of the TRNC and the future status of Maraş cannot be discussed outside the negotiating table as a separate issue. Every party interested in Cyprus is well aware of the Greek Cypriot refusal of the comprehensive settlement plan on Cyprus in 2004, which was a unique opportunity to reach a just and viable solution on the island. It needs to be stressed, however, that this was not the first time that a settlement initiative of the UN was rejected by the Greek Cypriot side. All of the settlement plans proposed by the Secretary-Generals of the United Nations, including the 1985 Draft Framework Agreement of Perez de Cuellar and the 1992 Set of Ideas, followed by 1994 Confidence Building Measures proposed by Bhutros Bhutros Ghali, were rejected by the Greek Cypriot leadership at their final stages. It is important to note, in this context, that all the foregoing UN proposals provisioned for the return of the fenced area of Varosha to the Greek Cypriot side. It is, therefore, complete hypocrisy on the part of the Greek Cypriot side that on the one hand it claims to seek the return of Varosha, but on the other rejects all UN proposals envisaging its return.

Under the subsection on **Discrimination**, the Report under **paragraph 30** acknowledges that “The ‘direct trade regulation’ proposed by the European Commission is still pending adoption”. However, the information provided in the Report on the Direct Trade Regulation fails to give background about the said Regulation. It has been almost seven years since the Turkish Cypriots expressed their desire for a political settlement and membership to the European Union with their overwhelming “yes” vote to the UN Comprehensive Settlement Plan. The plan was nevertheless rejected by the Greek Cypriot voters and as a result, only the Greek Cypriot part of the island was admitted to the EU. The EU Council of Foreign Ministers then produced a decision dated 26 April 2004 to end the isolation of Turkish Cypriots and accordingly, the EU Commission drafted and submitted two regulations, namely the Financial Aid Regulation and Direct Trade Regulation. An important fact that should not be overlooked is that the said decision was taken without any preconditions attached to or any concessions expected from the Turkish Cypriot side. On the contrary, the two regulations were seen as the least the EU could do to remedy the unjust situation arose

as a result of Greek Cypriot rejectionist attitude. Due to the Greek Cypriot obstructions, during the implementation phase of the regulations, firstly the two regulations had to be decoupled and then the Financial Aid Regulation could only be adopted after two long years and following many changes which were made to please the Greek Cypriot side. Moreover, the Financial Aid Regulation is not functioning effectively, again due to the obstacles created by the Greek Cypriots. On the other hand, the Direct Trade Regulation which is considered only as a step towards easing the isolation of the Turkish Cypriot people, is still pending, again, due the objectionist policy of the Greek Cypriot side. Adding insult to injury, the Greek Cypriot side has launched a vigorous campaign against the adoption of the Direct Trade Regulation and the Greek Cypriot Minister of Foreign Affairs is on record stating on 13 September 2010 that if the Direct Trade Regulation was to be adopted by the EU, they would not only terminate the ongoing negotiating process but also block Turkey's EU accession candidature.

It is noteworthy to put on record that the Green Line Regulation which sets out the legal framework for the crossing of persons, goods and services as from 1 May 2004 between the two sides on the island has also faced many obstacles ever since its initial implementation. The physical and psychological barriers created by the Greek Cypriot side still hinder trade from North to South. For example, the Turkish Cypriot traders are unable to display their products on the shelves of the supermarkets in the South and cannot advertise in the Greek Cypriot press. Due to such obstacles, the volume of trade between the two sides is far below its potential.

It is important to recall, in this context, that it was the Turkish Cypriot side which took an important initiative on 23 April 2003 and unilaterally opened its borders to crossings between North and South Cyprus. This constructive approach of the Turkish Cypriot side towards creating the necessary atmosphere for reconciliation has been continuing ever since. Most recently, the Turkish Cypriot side has proven its good will once again and enabled the opening of the Yeşilirmak/Limnitis gate in October 2010. It is known by all concerned that the opening of the Yeşilirmak/Limnitis gate has predominantly provided for the easy access of the Greek Cypriots living in the region to South Nicosia, as they can directly cross from their place of residence to North Cyprus and to South Nicosia.

Under the subsection of **Right to Life, paragraph 34** of the report refers to Adali v. Turkey case (2005) and implies that the case was closed after Turkey made the payment required by the ruling. However the truth is that, the case had been kept before the Committee of Delegates in order to determine whether the general precautions were met and has only been closed after the information provided was proven to be satisfactory in this regard.

On the issue of **Right to Education**, the reference in the Report under **paragraph 36** to school textbooks and to the so-called denial of permission for teachers to teach in the North is uncalled for and misrepresents the situation. It is a universally accepted fact that textbooks, in general, should refrain from injecting feelings of intolerance and animosity. In the case of Cyprus, it is imperative that all concerned comply with this principle in order to help promote the establishment of friendly and constructive relations between the two peoples on the Island necessary for creating the atmosphere for a comprehensive settlement. In this spirit, the Turkish Cypriot side approaches the issue of textbooks with great sensitivity and has, in the past years revised all its textbooks ensuring that they contain no elements of racial hatred or intolerance. However, it is unfortunate that the Greek Cypriot textbooks still unequivocally contain materials offensive to the Turkish Cypriots and inciting feelings of animosity amongst the Greek Cypriot children towards Turkish Cypriots. It should be recalled that this was also acknowledged in the "2009 Human Rights Report: Cyprus" published by US State Department on 11 March 2010. It is only natural

that the Turkish Cypriot authorities do not agree such textbooks to be used at schools situated in North Cyprus.

The Turkish Cypriot side has always followed a constructive approach towards the Greek Cypriots residing in the North and, in line with this understanding, in addition to the existing primary school which has been functioning in Karpaz for over three decades, opened a secondary school in September 2004 for the Greek Cypriot students residing in that area, thus enabling students to complete their education uninterrupted, without having to move away from their families while fulfilling their secondary education. 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, the said Greek Cypriot teachers are appointed by the Greek Cypriot Ministry of Education with the permission of the relevant Turkish Cypriot officials.

The situation pertaining to schools in the TRNC and the South is only one example that unilateral steps, taken by the Turkish Cypriot side in good faith, are not reciprocated by the Greek Cypriot side, which still refrains from fulfilling its commitment to open a Turkish primary school in Limassol to meet the educational needs of the Turkish Cypriot children living in Southern Cyprus. Needless to say, the right to education in one's mother tongue is a fundamental human right which is enshrined in international human rights doctrines. In this context, it should be underlined that, the interviews carried out by UNFICYP amongst the families of Turkish Cypriot children residing in Limassol in 2004 demonstrate that there is considerable demand among the Turkish Cypriots for a separate Turkish medium school and that there are a considerable number of Turkish Cypriot children who are not attending primary school at all. It is also established that these children, who are home tutored in the Turkish language, would be happily attending state schools if there was a Turkish medium school in South Cyprus. The issue of opening a Turkish medium school for Turkish Cypriots living in Limassol dates back many years and is also recorded in the relevant UN documents. It is clearly stated in the report of the then UN Secretary-General dated 7 June 1996 () that the Greek Cypriot side had sent a written commitment for the opening of a Turkish medium primary school in Limassol.

We welcome the notes taken in **paragraph 39** which underline the continuation of hostile attitudes towards Turkish Cypriots in schools in the South, which is also a deep concern for the Turkish Cypriot side. In **paragraph 40** it is stated that "...The European Commission is currently in contact with the authorities of the Republic of Cyprus regarding the possibility of offering the Turkish Cypriots the option of studying at the universities under in the areas under the effective control of the Government of Cyprus in the academic year 2011/2012". The linkage of the European Union scholarship scheme with education of the Turkish Cypriot students in South Cyprus is unacceptable. The scheme is supposed to allow Turkish Cypriot students access to European Union educational programs outside Cyprus. Moreover, the Report fails to state that the Greek Cypriot administration blocks Turkish Cypriot students' access to European Union exchange and educational programs. This, undoubtedly, constitutes a violation by the Greek Cypriot administration of the fundamental right to education of the Turkish Cypriot students whose plight continue 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 6 Turkish Cypriot Universities into the Bologna process.

Under the subsection on **freedom of religion and cultural rights**, **paragraph 42** states that "...UNFICYP received many more requests to facilitate religious observances and pilgrimages by Greek Cypriots in churches in the northern part of the island. Some of these were denied on various grounds, including the use of a church for other purposes such as a

cultural centre or clinic, or its proximity to military bases; or for no specified reason". It should be noted here that as recorded in the latest UNFICYP report, during the previous reporting period there had been 8 such events where the total number of participants was around 1,010. However, during the current reporting period, there has been a considerable increase both in terms of the number of such events (14) that have taken place as well as the number of participants (5,650). The matter would have been more fairly represented if this increase had been highlighted in the report instead of the alleged Greek Cypriot requests for further events. All pious people living in the TRNC from various religions freely practice their religious duties in accordance with our laws. Likewise, Greek Orthodox people living in Northern Cyprus can freely practice their routine religious duties in line with our laws, and without any permission, hold religious masses on Sundays in Churches situated in the areas they reside. However, the Greek Cypriot policy on this issue has always been to slander the Turkish Cypriot side before the international community through exploiting and stirring religious sensitivities.

A serious shortcoming of the Report in connection with discrimination and racism against Turkish Cypriots has been the failure to mention the repeated instances of maltreatment of the Turkish Cypriot people by the Greek Cypriot side, instances which have intensified over the last couple of years. The most appalling fact regarding the matter is that the Greek Cypriot authorities, by failing to take action against the perpetrators, appear to condone these incidents. Ultimately, consistent violations of the Turkish Cypriot community's human rights are being coupled with, and therefore further perpetuated by, racially motivated atrocities. Moreover, it should be noted that the alleviation of these unfortunate happenings become increasingly difficult to rectify the longer they remain ignored.

The most striking example of these racist attacks showed itself in a very hostile way during a bi-communal event held in Larnaca on 5 November 2010 at the "Rainbow Festival" which is supposed to be an anti-racist annual gathering. Many of the Turkish Cypriot participants of the festival were victimized by the violent atrocities. All of the newspapers reiterated lack of police intervention at the event, which resulted in one Turkish Cypriot being stabbed in his stomach. Moreover, the latest statements of Archbishop Hrisostomos II are a matter of great concern for the Turkish Cypriot side. Regarding the restoration of Apostolos Andreas Monastery in the Karpas region in Northern Cyprus, Archbishop Chrysostomos II announced on 5 November 2010 that he would rather see Apostolos Andreas collapse than let the restoration of the site be carried out by the Muslim religious endowment Evkaf. The most striking case in point took place recently during a basketball game played between Greek Cypriot team Apoel and Turkey's Pınar-Karşıyaka, in South Nicosia. The game, which was played on December 21, 2010 ended in havoc as some 500 Apoel fans attacked the Turkish team despite their team's victory in the game. The Apoel fanatics attacked the members of the Turkish team with knives, sticks, gas bombs and rocks as soon as the game had ended. The rampage continued in the corridors to the locker room. Some of the members of the Turkish team were injured as a result of the violence. The most dramatic part of the incident was the insufficiency of the Greek Cypriot police to take necessary precautionary measures prior to the event, despite the known reputation of racism among Apoel fans as well as the overwhelming evidence of rising racism within the Greek Cypriot community over the past couple of years. Inadequate security measures left the Turkish government with no other option but to ask for the intervention of UNFICYP to ensure the safety of the Turkish team members. The team members requested to cross to North Cyprus immediately after the event, however, the Greek Cypriot authorities did not allow it. Rising acts of racism and hate crimes perpetuated by Greek Cypriots are therefore exemplified once again and noteworthy.

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 Human Rights in Cyprus" as well

as upholding the delicate balance in reflecting the human rights realities on the island in order to avoid its exploitation by the Greek Cypriot administration.

In conclusion, I would like to reiterate that, we, as the Turkish Cypriot side, remain fully committed to the comprehensive settlement of the Cyprus issue in the shortest possible time under the UN Secretary General's mission of good offices and on the basis of the established UN parameters and body of work.

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

(*signed*) Hüseyin Özgürçün
Minister of Foreign Affairs
