

Human Rights Committee Secretariat
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**COMMENTS OF THE PANCYPRIAN UNION OF REFUGEES ON THE INITIAL
REPORT OF TURKEY REGARDING THE INTERNATIONAL COVENANT ON
CIVIL AND POLITICAL RIGHTS**

The Pancyprian Union of Refugees would like to refer to the examination by the Human Rights Committee of the initial report of Turkey regarding the implementation of the International Covenant on Civil and Political Rights, and would like to address the continued violations of fundamental human rights of the people of Cyprus as a result of the illegal Turkish military occupation since 1974.

The fact that Turkey exercises effective control in the areas of the Republic of Cyprus it illegally occupies since 1974 has been reaffirmed by various international bodies. The European Court of Human Rights has reaffirmed this fact in various decisions, including the decision on the 4th Interstate Application of the Republic of Cyprus vs. Turkey (2001) which stated that Turkey has "effective overall control over northern Cyprus" and is accountable for securing all human rights under the Convention and the Protocols to which it is a member state. It is also worth stressing that UN Security Council Resolution 550 (1984) refers to the said areas as the "occupied part of the Republic of Cyprus". The reality on the ground is that Turkey maintains more than 43,000 soldiers on the occupied territory of the Republic of Cyprus and it has illegally transferred there about 200,000 settlers from mainland Turkey. Therefore, there can be no doubt that Turkey is responsible for the violations of our fundamental human rights, including human rights which are safeguarded by the Covenant on Civil and Political Rights.

Since 1974 we have been forcefully expelled from our homes and properties which are now been illegally exploited by the occupation regime. This violation of our right to property and the peaceful enjoyment of this property has been reaffirmed by the European Court of Human Rights in various cases, including in the Loizidou v. Turkey case (1996) and the 4th Interstate Application of Cyprus v Turkey (2001).

Missing Persons:

Article 7 of the Covenant provides that “no one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment”. However, Turkey has been treating with inhuman and degrading way the relatives of the missing persons. The ECHR in its aforementioned 2001 Judgment which concluded that: “...the silence of the authorities of the respondent State in the face of real concerns of the relatives of the missing persons attains a level of severity which can only be categorized as inhuman treatment...”

It also worth recalling the concluding observations of the Committee against Torture (CAT/C/TUR/CO/3) on the initial report submitted by Turkey regarding the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or punishment in 2010. “The State party should take prompt measures to ensure effective, transparent and independent investigations into all outstanding cases of alleged disappearances, including those cited by the European Court of Human Rights (*Cyprus v. Turkey* and *Timurtas v. Turkey*) and those identified by the Working Group on Enforced and Involuntary Disappearances. As appropriate, the State party should carry out prosecutions. The State party should notify relatives of the victims of the outcomes of such investigations and prosecutions.”

The Committee of Ministers’ Deputies (Human Rights) of the Council of Europe (CoE) in its meeting last June concluded that:

- (1) It supports the works of the Committee of Missing Persons (CMP) [a bicomunal committee with a mandate limited to the exhumations and identification of missing persons].
- (2) It underlines the need for an effective investigation regarding the deaths of the persons who are identified by the Committee.
- (3) Called on the Turkish Government to effectively investigate the fate of those still missing.
- (4) Called on the Turkish Government to provide CMP access to all relevant information and places, including the military zones in the occupied areas of Cyprus and to provide the relevant information contained in military archives and reports of the Turkish army.

Freedom of Movement:

Article 12 of the Covenant specifies that every person has the right to “liberty of movement and freedom to choose his residence”. However, since 1974 we have been deprived of our right to reside to our own homes and we are unable to return. The partial lifting of the restrictions of the freedom of movement to the occupied areas of Cyprus since 2003, is associated with illegal identity checks by the illegal and internationally condemned secessionist entity in the occupied

areas of Cyprus. Moreover, the freedom of movement is entirely forbidden to the “military areas” as specified by the Turkish army. The “military areas” cover an extensive part of the occupied areas including the fenced city of Famagusta which is a ghost city since 1974. The fundamental human right of the freedom of movement continues to be totally violated for a number of people who have been arbitrarily placed on a stop-list by the occupation regime including the Bishop of Karpas, the religious leader of the 330 remaining Greek Cypriot enclaved people of the Karpas peninsula.

Freedom of Religion:

Article 17 of the Covenant specifies that “everyone shall have the right to freedom of thought, conscience and religion”. However, the occupation regime is demonstrating a total disrespect to this fundamental human right in the occupied areas of Cyprus. The more than 550 religious monuments in the occupied areas of Cyprus have been in a devastated condition, some have been turned into stables and other have been demolished. The destruction applies to religious monuments of the Maronites, Armenians and Catholics of Cyprus. Most of cemeteries in the occupied areas of Cyprus have been vandalized and suffered severe damage including the cemetery of the enclaved Greek Cypriots in Rizokarpaso.

The religious freedom of the enclaved Greek Cypriots is violated as it is evident by the forceful interruption of the Christmas religious service of 2010 which was condemned, inter alia, by the European Parliament.

In addition, the religious freedom of the Cypriot refugees are also violated since many of our applications through the United Nations to conduct the Divine Liturgy at the churches of our occupied towns and villages are arbitrarily rejected by the Turkish occupation regime.

Freedom of Expression:

Article 19 of the Covenant specifies that “Every one shall have the right to hold opinions without interference”. However, the occupation regime continues to impose censorship and reject books which are destined for the schools of Rizokarpaso. One example of this violation of the freedom of expression is the confiscation of 200 religious books in March 2011 which were going to be offered as a gift to the enclaved persons. Other individuals who are vocal about the human rights of the enclaved persons are included in the “stop-lists” of the occupation regime.

Conclusion:

The Pancyprian Union of Refugees holds that the Human Rights Committee should take a strong stance against the aforementioned violations of human rights safeguarded by the International Covenant on Civil and Political Rights during the examination of the initial Report by Turkey.

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