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QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL
FREEDOMS, INCLUDING POLICIES OF RACIAL DISCRIMINATION AND
SEGREGATION AND OF APARTHEID, IN ALL COUNTRIES, WITH
PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT
COUNTRIES AND TERRITORIES

Letter dated 25 February 1976 from the Permanent Representative
of Cyprus to the United Nations Office at Geneva addressed to
the Chairman of the Commission on Human Rights

I beg to refer to the allegations contained in Document E/CN.4/1206 dated
13 February 1976, and in order to set the record right I have to state the following:

1. It is to be regretted that there has been resorted to the unprecedented practice of a State member of the Commission on Human Rights lending itself as a vehicle for an attack on another Member-State. Needless to point out that this practice, which may possibly be adopted in other instances too, is bound to lead the Commission into difficulties and controversy.
2. The allegations contained in the aforesaid document are a distortion of the truth and therefore we are compelled to reply thereto by means of the contents of the Annex attached hereto.
3. The Government of the Republic of Cyprus has adhered strictly to the letter and spirit of the Vienna Communique which was in fact an ad hoc arrangement concluded in the wake of mass expulsions from the occupied north of enclaved Greek Cypriots, coupled with threats by Turkey to mount a military operation "to rescue" Turkish Cypriots residing peacefully in government controlled areas and whom the Turks wanted to have transported in the occupied area in furtherance of political and not humanitarian objects. It was most unfortunate that the other side having secured the transfer of the Turkish Cypriots to the North chose to fail to implement the Vienna arrangement.
4. It should be emphasized that the provisions of the Vienna Communique were not intended to, and could not in any way, affect the inalienable right of all refugees to return to their homes in safety in accordance with the relevant United Nations resolutions.

5. The Commission is faced with two versions. However uncorroborated and untenable the version contained in E/CN.4/1206 of 13 February 1976 might be, the Government of Cyprus has time and again stated its readiness to accept a commission of inquiry or an ad hoc working group to investigate and report on the issue of Human Rights in Cyprus. We reiterate once more this readiness and pledge full co-operation with, and freedom of movement for, such a group. It is suggested that Turkish side should be asked if they are ready and willing to show the same readiness and give the same pledge.
6. I would be grateful if the present communication together with the Annex is brought to the knowledge of the Commission on Human Rights.

Please accept, etc.

(signed) Andreas Mavrommatis
Ambassador
Permanent Representative

ANNEX

- A. The Secretary-General in his report Document S/11900 of 8 December 1975, states in paragraph 66:

"66. ... During the third round of Vienna Talks agreement was reached on certain problems, but, unfortunately some important provisions contained in that agreement have not been fully implemented including in particular the free and normal access of UNFICYP to Greek Cypriot habitations in the north to ensure the security and well-being of the Greek Cypriots remaining there".

- B. The following is the relevant part of the Vienna Communique dated 2 August 1975, after the third round of talks between the representatives of the two communities of Cyprus:

1. The Turkish Cypriots at present in the south of the island will be allowed, if they want to do so, to proceed north with their belongings under an organized programme and with the assistance of UNFICYP.
2. Mr. Denktash reaffirmed, and it was agreed, that the Greek Cypriots at present in the north of the island are free to stay and that they will be given every help to lead a normal life, including facilities for education and for the practice of their religion, as well as medical care by their own doctors and freedom of movement in the north.
3. The Greek Cypriots at present in the north who, at their own request and without having been subjected to any kind of pressure, wish to move to the south, will be permitted to do so.
4. UNFICYP will have free and normal access to Greek Cypriot villages and habitations in the north.
5. In connexion with the implementation of this agreement priority will be given to the re-unification of families, which may also involve the transfer of a number of Greek Cypriots, at present in the south, to the north. The question of displaced persons was also re-examined.

- C. With the above in mind I proceed to set out herein below our reply on the various topics raised by the Permanent Representative of Turkey in his letter, document E/CN.4/1206.

1. Tractors and Vehicles

- (1) In this respect reference is made to paragraph 31 of the aforesaid Secretary-General's report which states:

"31. When 8,033 Turkish Cypriots were transferred to the north, with UNCIVPOL assistance, in August and September 1975, they left behind homes, machinery, farming equipment, and other property. Some cases of theft and looting of this property have been reported, but, in general, large scale misappropriation of property has been prevented. The Cyprus Government has set up a special organization to itemize and protect all movable property, homes, land and crops abandoned by Turkish Cypriots. Some assistance was provided by UNCIVPOL, by way of observation patrols."

- (2) Most of such tractors and vehicles are not legally owned by Turkish Cypriots, because they have been bought by them under hire-purchase agreements with Greek Cypriots or Greek Cypriot Organizations, and never paid-off.
- (3) It is useful on the other hand to bear in mind that all Greek Cypriot refugees and they recently expelled from the north Greek Cypriots left behind everything and they have not been allowed to take even a stitch of clothing. The value of such things is several millions of pounds.
- (4) Turkish-owned automobiles and other property which remained in the British Sovereign Base Areas

It may be recalled that such areas are, under the Treaty of Establishment, British Sovereign Areas, over which the Government of Cyprus has no control. In any event what has been stated in sub-paragraph (2) above applies to the vehicles in the British Sovereign Base Areas as well.

- (5) There would be no objection for paid-off and legally owned vehicles of Turkish Cypriots to be returned to them on the clear understanding that there would be returned to their Greek Cypriots all duly registered vehicles abandoned by them when they were driven out from the Northern part of Cyprus.

2. Smuggling of ex-EOKA-B members to the north, under the guise of Doctors and Teachers

It is well known that the Cyprus Government, who was the target of EOKA-B people in the past, strongly condemns any unlawful activity, especially by ex-EOKA-B people, and therefore what is stated by the Turkish side is a completely unfounded pretext not to honour the obligations undertaken by them under the Vienna Communiqué.

3. Educational facilities

- (1) The aforesaid Report of the Secretary-General (Document S/11900 of 8 December 1975) reveals the following on this topic:

"52. With regard to provision 2 of the Vienna Communiqué, progress in providing educational and medical facilities for Greek Cypriots in the north has been slow. Only three elementary schools are operating in the Karpass, providing for 500 out of approximately 1,400 children. Eight teachers have returned to the north and clearance has been given for 5 more, but another 23 teachers, needed to re-open more schools and to provide an adequate pupil/teacher ratio, are still awaiting clearance."

- (2) The following statistical data are given about Greek schools in the north:

A.	(i) SECONDARY SCHOOLS: Teachers required		44
	(ii) Minimum number of teachers presently in the North	11	
	(iii) Number of teachers cleared by Turks to go to the North, but no transfer date fixed yet	3	
	(iv) Number of teachers expecting clearance	21	
	(v) Number of teachers still required	9	44
B.	<u>Elementary Education</u>		
	(i) Minimum number of teachers required		40
	(ii) Number of teachers presently in the North	20	
	(iii) Number of teachers cleared by Turks but no transfer date fixed yet	2	
	(iv) Number of teachers expecting clearance	10	
	(v) Number of teachers still required	8	40
C.	Elementary School pupils in the NORTH	1 189	
D.	Secondary School pupils in the NORTH	715	
		1 904	
E.	Thus 31 teachers in all are waiting clearance as from 10 October 1975 when their names were submitted.		

- (3) In document E/CN.4/1206 five teachers are referred to by their names as allegedly not being teachers. Three of them namely Synesis Michael Synesis, Kyriacos Antoniou Kaloutas and Loizos Antoniou Kaloutas, all Greek Cypriots by nationality and birth, are qualified teachers and have been teaching in Greek Cypriot schools for a number of years, Mrs. E. Christodoulou is indeed a qualified teacher and the wife of an ex-police (Greek Cypriot) constable. The Fifth one namely Panayiotis Tabakcioglou was never put in any list forwarded by the Cyprus Government.
- (4) Although the present school year is half way through, only three elementary schools are functioning with a limited staff; despite the arrangement concluded at the Joint Humanitarian Committee meetings that at least 9 elementary schools and a high school would operate. The only high school which was at very last allowed to start functioning at Yialousa, on 11 November 1975, was closed only eight days later.

- (5) It is untrue that there is a shortage of teaching staff in Cyprus, and on the contrary the present anomalous situation has created, as in other professions, a surplus of teachers.
- (6) As the transfer of teachers to the north is unduly delayed, the Greek Cypriot side suggested on 12 January 1976 whether correspondence courses could be dispatched through UNFICYP to Greek Cypriot pupils residing in the north. Some material was recently allowed to be sent to Bellapais only, after being checked by Turks, but so far there are no news as to whether such material reached its destination.

4. Facilities for Medical care of enclaved Greek Cypriots

- (1) Provision 2 of the Vienna Communiqué set out in para. 1 hereinabove is relevant on this topic.
- (2) Reference is also made, in this respect, to paragraph 53 of the Secretary-General's aforesaid report:

"53. A Greek Cypriot medical team consisting of a doctor and two male nurses was refused clearance to go to the Karpas on the grounds that they were not accompanied by their families. As the last Greek Cypriot doctor in the north was evacuated to the south in October 1975, the Greek Cypriots there are now dependent on the Turkish Cypriot medical and hospital facilities. A number of villages are without church services, and in the prevailing circumstances few priests find it possible to return to the area."

- (3) It is therefore clear that no Greek doctor has as yet been permitted to go to the occupied areas, in which no Greek doctor now resides. Although a three-man medical team was "cleared" to move to the north, they are not now allowed by Turks to go there because it was made a condition that they should be accompanied by their families who, (and this is not at all surprising in the circumstances prevailing), refused to accompany them.
- (4) Contrary to what is alleged, the fact is that Greek Cypriots living in the occupied areas have to apply, three days in advance, to the Turkish Army and the Turkish "Police" for permission to visit a Turkish doctor or a hospital; this procedure was followed in the past but in most cases it proved too late for the applicants, who died before permission was granted to them.
- (5) Most of the few cases of Greek Cypriots who were permitted to visit Greek doctors in the Government controlled area, were terminal cases, and in any event, once leaving their villages were never allowed to return thereto.
- (6) Lists of Greek Cypriots needing medical treatment in the Government controlled area were submitted to the Turkish side, but it remained for a considerable time "under consideration and was eventually rejected" on policy grounds as the Turkish side arbitrarily maintained.

- (7) Two doctors, namely Dr. Nicos Taliotis (not Takistas) and or Nicos Kourouzides (not Krutides) were not permitted to go to the occupied areas for "security reasons". It is worth mentioning that Dr. Kourouzides was until 29 June 1975 living in the north and was one of the 800 Greek Cypriots who were massively expelled in the summer of 1975. As regards Dr. Taliotis, the "security risk" was recently invoked, whereas at a Joint Humanitarian Committee meeting, such allegation was never put forward.

5. Greek Cypriots voluntary transfer to the South

- (1) Provisions 2, 3 and 4 of the Vienna Communiqué, as set out in para.1 hereinabove are relative to this topic.
- (2) Paragraph 66 of the Secretary-General's report (Document S/11900), set out at page 1 of this Annex is also relevant.
- (3) In spite of the above, however, 960 Greek Cypriots, who, after the cessation of the hostilities, were permanently residing in the occupied area, have been, under various threats, ill treatment, psychological pressure, restrictions in their movement, restrictions of their fundamental rights of enjoyment of their property and the practice of their religion, and restrictions imposed on educational and medical services, forcibly expelled from the occupied areas.
- (4) The so-called "applications" of Greek Cypriots of the North to move to the Government controlled areas is another disguise of the Turkish plans to exterminate the Greek element from the occupied areas. Contrary to the letter and spirit of the Vienna Communiqué and related understandings, reached in Vienna such "applications" were not allowed to be checked by UNFICYP personnel with a view to ruling out any kind of pressure exerted on "applicants".
- (5) In the last eight months, 8,033 Turkish Cypriots were allowed to move to the north, whereas 936 Greek Cypriots were forcibly expelled from the north and only 346 were allowed to move to the occupied areas.
- (6) Those Greek Cypriots who are expelled from the north have to travel with Turkish buses and to pay big amounts of fares, although UNFICYP was and is always available and ready to undertake such transportation.

6. Re-unification of families

- (1) Paragraph 50 of the Secretary-General's report refers to this matter. It reads as follows:
- "50. With regard to provision 5 of the Communiqué and related understandings reached in Vienna, some 934 Greek Cypriots have applied to return to the north. These include most of 800 Greek Cypriots who had been compulsorily evacuated from the Karpass region in the wake of an incident in the Troodos mountains where members of the Cyprus police intercepted a group of Turkish Cypriots seeking to move to the north by their own means and inflicted injuries on some of them. Among the Greek Cypriots expelled from the north after that incident was the entire Greek Cypriot population of Dhavlos (270 persons). One hundred and forty of these have applied to return to

Dhavlos, but none has been permitted to do so. Of the remaining 790 applicants, 379 have been cleared to move to the north, and 346 have actually moved. Sixty-three applications were turned down by the Turkish authorities on security grounds and 250 others on grounds of ineligibility and the criteria applied for reunification of families."

(2) The latest statistical data on the matter are as follows:

- (i) Total number of applicants 937
- (ii) 327 have already moved to the North
- (iii) 71 are "cleared" but for unknown reasons are not facilitated to move to the North
- (iv) 229 are still "under consideration" (although 6 months have elapsed from the date of their application). This figure includes 170 Greek Cypriot mass-evacuated from DHAVALOS village, who under the Vienna Communiqué and related understandings, have a right to return to their homes without further consideration of their case.
- (v) 67 have been rejected by the Turks for "security reasons", and
- (vi) 243 are, in accordance with the Turks ineligible under the criteria applied for re-unification.

(3) "Security Reasons" cases

According to the provision 5 of the "Vienna Communiqué and "related understanding reached in Vienna" (see in this respect para. 50 Document 11,900, set out in sub-para. (1) above the Turks may reject such applications for "security reasons", after a full investigation and verification by UNFICYP. In none of such cases however there has been a full and thorough investigation and none of such case has been verified by UNFICYP as falling under such class.

(4) Ineligibility cases

The relative provision is again arbitrarily interpreted by the Turks, with the obvious intention to evade their obligations under the Vienna Communiqué:

It is worth mentioning in this respect that these rejections include:

- (a) Genuine "re-unification of families" cases were left in abeyance under the pretext that they are "still under consideration".
- (b) Adult and other children of both sexes who before the invasion used to live with their parents, are not considered as members of the same families. In many such cases the parents are invalid and need to be looked after by their own children.
- (c) A few young persons of both sexes that applied to go to the north, to join their fiances or fiancées and eventually get married, have been refused access.

- (d) Some old and infirm and, in some cases, lonely people were refused permission to go to the north to join their children or close relatives, and be looked after by them.
- (e) A few sick children accompanied by their mothers, and sick mothers accompanied by their children, who on the recommendation of ICRC doctors were transferred to the south (where their husbands and fathers were stranded) for medical treatment, are not now allowed to return to the north.
- (f) Cases involving wives and children "mass evacuated" in 1975, are not allowed to return with their husbands and fathers (who happened to be stranded in the south after the hostilities) to the north, to join their relatives.
- (5) It is worth stressing once again that under the provisions of the Vienna Communique 8033 Turkish Cypriots moved from the south to the north under "an organized programme and with the assistance of UNFICYP" in a very short time after the Communique, whereas, in eight months from Vienna only 327 moved to the north and 243 cases are still (for how long?) under consideration. Such figures are eloquently evidencing who has violated "the Vienna Communique".
- (6) In connexion with the "mass-evacuated" cases of last summer, it is now reliably learned that the Turks are currently busy in looting and seizing all the belongings of the Greek Cypriots expelled from the north, in a bid of discouraging them to return to their lawful homes.

7. GRAIN - TOBACCO

- (1) The bulk of Agricultural produce, including these two commodities, produced in the occupied parts of Cyprus, is the property, of refugees living in the south, who received nothing at all in return for such produce, or of enclaved persons, who were denied the opportunity of selling their produce, as has always been the practice under the existing legislation, to the Grain Commission or the Co-operatives, which pay special prices therefore. The complete disruption of communications and the restrictions of the occupation authorities have thus resulted in great loss of income for the enclaved persons, and no income at all for the refugees.
- (2) The most striking example is that of another commodity namely citrus fruits in the occupied areas which was unlawfully usurped by the occupying forces thus depriving the lawful owners thereof of income running into millions of pounds. Attempts were made to export such citrus-fruit to the European countries and a number of cases are pending before the Courts there.
- (3) Regarding the alleged agreement between the Turks and Carreras Limited to sell to the latter the tobacco stored at Karpas, the truth is that such agreement was never finalized, and that in any event the Turks wanted to receive the price and keep it for themselves instead of paying same to the lawful Greek Cypriot owners of such produce.

9. Right of property of Greek Cypriots

- (1) A number of enclaved Greek Cypriots were forcibly moved from their own homes and resettled elsewhere mainly in order to accommodate Turks implanted in Cyprus from Turkey.

(2) For those that remained the following restrictions are in operation:

- (i) Dusk to drawn curfew;
- (ii) Permission is required from the Turkish troops as well as the police to leave villages in order to cultivate their fields in the immediate vicinity of the village;
- (iii) Inability to visit properties in outlying areas;
- (iv) Male inhabitants have to report twice daily to the local police; and
- (v) freedom of movement outside the strict confines of a village are virtually non-existent;
- (vi) Any contact of Greek Cypriots with UNFICYP is severely punished.

10. Correspondence

There is certainly no freedom of correspondence for the enclaved and the limited facilities allowed to them for correspondence with the outside world and not with the rest of Cyprus are only available if use of unlawfully issued stamps is resorted to, and the address of the senders is given as a "MERSIN 10, TURKEY" as if Cyprus is a Turkish province.

Enclaved persons can communicate with their relatives in the unoccupied part of Cyprus through very short messages forwarded by ICRC.

11. Missing persons

The experience of the Ad Hoc Committee on Missing Persons and the "search-operations" provision of the Vienna Communiqué (see in this respect Secretary-General's Report E/CN.4/1186 4 February, 1976, Part II, paras. 5-11) proved in practice to be completely inadequate. Consequently the Greek-side has already put forward, through the Secretary-General, the following procedure for discussion and agreement:

- (a) Establishment of a Joint Co-ordinating Committee for Missing Persons comprising high-ranking UNFICYP, ICRC, Greek Cypriot and Turkish Cypriot representatives and of Special Joint Committees to investigate information regarding missing persons.
- (b) Tracing and release of missing persons hiding or detained in Cyprus.
- (c) Tracing of places of burial in Cyprus with a view to identifying, if possible, the dead and transferring the bodies to their respective communities.
- (d) Freedom of Movement of Special Joint Committee members on both sides, under United Nations Escort.
- (e) Co-ordinated efforts by ICRC in Turkey to find out whether any POWs are still being detained there.

12. The very fact that freedom of movement of the members of UNFICYP is greatly restricted thus making it impossible for them, either to witness the occurrences referred to hereinabove or to take steps to prevent them, or to alleviate the plight of enclaved people, is the strongest proof of what is actually happening in the occupied areas. In this respect reference is made to Secretary-General's Report (Document S/11900 of 8 December 1975 paragraphs 24, 26 and 66). It should be stressed that UNFICYP has complete freedom of movement in the rest of Cyprus.